APPEAL No. 15 OF 1898 FROM ORIGINAL DECREE.

Shivabasaya bin Kotraya and others (Original Defendants Nos. 1, 3 and 4) ... ... } Appellants.

versus

Totad Swami Guru Totad Swami, by his Vatmukhtiar Rachoti Mari Guru Totad Swami (Original Plaintiff) ... ... } Respondent.

Appeal from the decision of Rao Bahadur G. V. Bhanap, First Class Subordinate Judge of Dharwar, in Suit No. 275 of 1895.

The Hon'ble Mr. P. M. Mehta with the Hon'ble Mr. N. G. Chandavarkar for the appellants.

Mr. Branson with Messrs. Shamrao Vithal and D. A. Idgunji for the respondent.

Judgment.—The first point to be decided in this appeal is that of *res judicata*. It was contended before us by counsel for the appellants that the respondent in his former suit expressly put forward his title as the foundation of his suit, and that the question of his title was tried and decided against him. There can be no doubt that the respondent did allege his title in the suit. In the plaint he says that the property belongs to him and he asks that his title to the property should be declared. I do not think, however, that he really sued upon title, that is to say, he did not sue as owner to eject the appellants as trespassers. The cause of action, he alleged, was that the lease, under which they held the property from him, had become forfeited owing to their failure to observe its conditions, and that they had not obeyed the notice to quit, founded on that forfeiture, given to them on the 17th March 1885. The only issues that would be necessary on this alleged cause of action would relate to the lease and its forfeiture, for it is clear that the respondent, admitting, as he did, that the appellants were his tenants, could recover possession only if it were found that the lease was proved, and that the tenure created by it had been forfeited. In addition, however, to these issues the Subordinate Judge framed an issue as to the respondent's title, *viz.*, "Is the Plaintiff owner of the properties by legitimate and customary descent from preceptor to pupil?" and he found that issue in the affirmative. He found also that the lease sued on was proved, and that there had been a breach of its provisions which entitled plaintiff to recover possession. The case then came on appeal by the appellants to this High Court. The learned Judges who heard the appeal reversed the decree and rejected the claim of the respondent with costs. One reason certainly which they assign for so doing is their disbelief in the genuineness of the document (lease) sued on (Exhibit B), and I think this is the only reason. I have searched the judgment in vain to find any other. The case is thus stated by the Judges. "With regard to the Totadswami's original rights over the Math it is somewhat difficult to form any clear opinion. It is certain that the defendants' family have been living in it for some generations. This is proved by the evidence on both sides. Whether they did so by permission or of right is one of the matters in dispute." (I omit the "if" clause for that is disposed of afterwards). Then they say "there can be little doubt that in 1841 the Math was recognized to be the property of the Totadswami and that he had authority to dispose of it on the decease or departure of the then incumbent." The tenure of Dod Baslinga is said "to have depended, apparently, not on his own rights, but on his obedience to the Totadswami." "The married members of the family" are said "to have lived in the Math with his sanction and as one of the family was a Charanti and acknowledged the Swami's authority, no objection was made." "San Baslinga" is said to have been "a disciple of the Swami and lived in the Math, but although he became a Charanti, the position of the other members of the family in the Math does not seem to have

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been disturbed. They lived in their separate rooms and there is nothing to show that they were specially authorized to do so by San Baslinga." This is all that is said about the tenure of the appellants, with the exception of a remark at the close of the judgment to the effect that the defendants were not likely to have signed away the Math in which their families had resided for generations. It seems, therefore, to me that the learned Judges, though very much in favour of the respondent, really decided nothing as to his title, but carefully refrained from doing so, since even when asked to do so in an application for review they refused. The reason is clear, namely, that it was unnecessary to do so, for even had they found that the respondent's title was proved, they could not, in the suit as then framed, have awarded him the property in the face of the finding that the lease sued on was not proved. They therefore left him to the remedy which he has now adopted, viz., a suit brought on title to eject the appellants, treating them as trespassers. Inasmuch then as the point of title was not heard and finally determined, but was purposely left undecided in the former suit, I am of opinion that the present suit is not barred by Section 13 of the Code of Civil Procedure.

I proceed then to discuss the question of title. There can, I think, be no doubt of the original title of the Totad Swami. This has been held proved now by three Courts and is amply supported by the evidence and facts in the case: I need only refer to the judgment of the Subordinate Judge in which this evidence and these facts are fully set out. The appellants are unable to produce any evidence of title and rely only on long possession. No doubt they have been occupying the Math for a very long time, but there is also no doubt that that occupation was in its inception permissive, and it lies on them to show how and when it became adverse so as to confer upon them a title by prescription. On this point again I would refer to the judgment of the Subordinate Judge for the facts and the evidence, and I adopt the conclusion he has arrived at. It seems to me that no adverse possession or title was set up prior to 1885, and that, therefore, the defendants have not acquired title by prescription. I think that the decree is right and ought to be affirmed.

As we differ in opinion on a point of law, we, under the provisions of Section 575 of the Code of Civil Procedure, refer the appeal to the Chief Justice or such other Judge as he may select.

15th August 1898.

H. J. PARSONS.

The principal point of law which has to be considered in this appeal relates to the question whether, and how far, the present suit of the respondent-plaintiff was barred under Section 13 of the Civil Procedure Code, by reason of the previous litigation between the same parties represented by the Suit No. 151 of 1889 and Appeal No. 152 of 1891. In his plaint in the present suit, the plaintiff makes a reference in express terms to this litigation. It is stated that the old suit was brought on the strength of the agreement of 9th November 1882, and it sought to recover possession of the property, because defendant had not carried out the terms of that agreement. The plaint further recited that though the first Court allowed plaintiff's claim, it was rejected in appeal, because the High Court thought that the agreement sued upon was of a doubtful character. Leaving the agreement aside, plaintiff accordingly in his present suit claimed to recover possession of the property in dispute on the strength of his general title as owner, and stated that the cause of action accrued due when defendant first denied to plaintiff's knowledge his title as owner in his written statement filed in 1889 in the previous suit. The lower Court has held that the High Court treated the old suit as one based on the agreement, and not on plaintiff's general title, and it accordingly decided that the plea of *res judicata*, raised by the defendants, did not bar the present

suit based on plaintiff's general title. Mr Mehta, the counsel for the appellants, contended before us that the lower Court was in error in holding that the High Court treated the old suit as one based on the agreement only, and he contended further that both the questions of general title and of the particular agreement were in issue in the old suit, and the High Court disposed of both points in appellants' favour. It thus becomes necessary to consider the true nature of the claim made in the old suit, and the point or points on which the High Court's rejection of that claim must be held as final and binding on both parties. It appears from the copy of the plaint in the old suit that plaintiff, as head of the Totad Swami's Sansthan at Dambal, claimed to be owner of the Virakta Kal Matha at Betigeri, and he claimed to recover possession of the Matha together with the rooms or out-houses attached to it and the land with well, temple and trees appurtenant to it. The plaint no doubt laid stress on the agreement of 9th November 1882 and claimed to recover possession of the property, because the defendants had not acted according to the terms of that agreement in the matter of repairs and payment of rent, and had thus forfeited their right to have Vahivat of this property, and were bound to surrender it to the plaintiff. At the same time it is clear from the plaint that the claim was not confined to the agreement. Plaintiff expressly asserted his ownership, and among the prayers of the plaint he sought a declaration of his right over and above the prayer for possession. The defendants in their written statement also expressly denied plaintiff's ownership over and above their denial of the agreement. The Court also raised an issue in respect of plaintiff's ownership in addition to the issues about the agreement and its breach, and it decided all these points in plaintiff's favour. In Appeal No. 152 of 1891, the High Court rejected the claim. In the judgment recorded by this Court, the following passages occur:—"With regard to Totadswami's (plaintiff's) original rights over the Math it is somewhat difficult to form any clear opinion. It is certain that the defendants' family have been living in it for some generations. Whether they did so by permission or of right is one of the matters in dispute." It is clear from this that the question of ownership was before the minds of the Judges who decided the appeal. The judgment next proceeds to consider the respective contentions of the plaintiff and the defendants, and the relative probability or otherwise of those contentions. It then states that although the two Charantis acknowledged plaintiff's authority "yet the position of the other members (*i. e.*, the defendants) seems to have remained undisturbed. They lived in their separate rooms and there is nothing to show that they were authorized to do so," by the Charantis. Taking this sentence along with the sentence previously quoted, it would seem as if the High Court was of opinion that, independently of the agreement of 1882 which it considered further on, defendants' possession was not permissive. It next found that the agreement of 1882 was too improbable, and that it was far more likely that there was a conspiracy to get up a document "rather than that the defendants should sign away the Math in which their families had resided for generations." It thus appears clear that the High Court based its decree in appeal on both points. It held that defendants did not occupy the Math and property in dispute by any derivative or subordinate right, and it further found that the agreement on which plaintiff relied was not proved. This becomes still more clear from the review application which was made by plaintiff and in which one of the points urged was that the High Court had not decided the question of title and alleged ownership. There is no judgment recorded on this review application, but the fact that the *rule nisi* was discharged confirms the view that the Court was satisfied that it had considered both the points on which plaintiff's claim was based. On the whole, therefore, I feel satisfied that the view taken by the lower Court of the High Court's Judgment in Appeal No. 152 of 1891, that it treated the suit as being based solely on the agreement and that the present suit was not barred by reason of the decision in the previous suit, is not correct.

The lower Court has relied in support of its view on the rulings in *Nilvaru* vs. *Nilvaru* (1), *Chunder Coomar* vs. *Sib Sundari* (2), *Ghela* vs. *Sankalchand* (3) and *Thakur Magundeo* vs. *Thakur Mahadeo* (4). In *Nilvaru* vs. *Nilvaru* it was ruled that when the judgment of a Court of first instance is appealed against, that judgment becomes *sub judice*, and ceases to be *res judicata*, and if the appellate Court does not decide the issue appealed against, but disposes of the appeal on other grounds, the judgment does not operate as *res judicata*. It is not easy to see how this case has any bearing upon the present appeal. Here the appellate Court decided the question of ownership by holding that defendants' occupation of the Math at Betigiri was not by permission or under authority of the Charantis who had admitted plaintiff's right to some extent. The appeal was thus decided on both the grounds of plaintiff's general right and plaintiff's particular right under the agreement, and the judgment must operate as *res judicata*. For similar reasons the decision in *Chunder Coomar* vs. *Sib Sundari* does not govern the present appeal. There the first Court held that notice to quit was served, but rejected the claim on the ground that the tenure was not liable to enhancement. The second Court held that notice was not served and declined to consider the question about enhancements. It was held under these circumstances that the second suit brought for the enhancement of rent was not barred under Section 13 by reason of the decision of the first Court against the plaintiff in respect of his right to enhancements. In the present case both the points were decided by the second Court in appeal as shown above, and it did not decline to decide any point raised before it. The ruling in *Ghela* vs. *Sankalchand* only goes to show that where an issue is not necessary for the decision of a suit, the decree in general terms does not cover the finding on that issue and the insertion of such finding has not the effect of giving it the force of *res judicata*. See also *Balak Tewari* vs. *Kausil Misr*(5), *Jamaiunnissa* vs. *Lutfunnissa* (6), *Bhista Shankar* vs. *Ramchandrarav Raghunath* (7), *Modhoo Ram Dey* vs. *Boydonath Doss* (8) and *Aukhil Chunder* vs. *Shib Narain* (9). The issues of ownership and adverse possession in the present case were, however, not incidental or unnecessary. They were material to the claim in the old suit and they were expressly raised in appeal and decided. Such decision must operate as *res judicata*. Finally the case of *Thakur Magundeo* vs. *Thakur Mahadeo* (10), on which the lower Court relies, stands on the same footing as the one noticed above— *Chunder Coomar* vs. *Sib Sundari* and calls for no further remark. See also *Nimdo Lall* vs. *Bidhoo Mookhy Debee* (11).

(1). I. L. R., 6 Bom., 110.
(2). I. L. R., 3 Cal., 631.
(3). I. L. R., 18 Bom., 597.
(4). I. L. R., 18 Cal., 647.
(5). I. L. R., 4 All., 491.
(6). I. L. R., 7 All., 606.
(7). 8 B. H. C. R., A. C. J., 89.
(8). 2 W. R., p. 592.
(9). 16 W. R., p. 527.
(10). I. L. R., 18 Cal, 647.
(11). I. L. R., 13 Cal., 17.

Mr. Branson indeed contended that the decision of the question of ownership in the previous suit in plaintiff's favour, not having been expressly set aside in appeal, operated against the defendants as *res judicata* in the present suit. This view is obviously unsupported by any authority, even if it can be held that the decision on that issue was not upset in appeal. When an appeal is preferred from a decision of the Court of first instance, that decision becomes *sub judice*, *Nilvaru* vs. *Nilvaru* (12), and when it is upset, it ceases to have any legal force.

(12). I. L. R., 6 Bom., 110.

Even if the relief sought for in the present suit was different from the relief sought in the previous suit (which, however, is not the case here), yet if both reliefs are based on the same title, which is the case here, then the rejection of the claim in the first suit bars the second suit—*Rama Rao* vs. *Suriya Rao* (13). The present case resembles in certain respects the case of *Appovier* vs. *Rama Subba Aiyan* (14) where it was held that if a question is necessarily decided in effect, though

(13). I. L. R., 1 Mad., p. 84.
(14). 11 M. I. A., p. 75.

not in express terms, the same question cannot be raised in any other suit between the same parties—see *Denobundhoo* vs. *Kristomonee* (15). Here the question of plaintiff's ownership and defendants' adverse possession was substantially heard and decided in appeal, though not in express terms in the present appellants' favour, and that decision must operate as *res judicata*. In *Gungabishen* vs. *Raghoonath* (16), it was indeed held that where the High Court has not decided in appeal the question of title on the ground that such decision was unnecessary when it decided the question of possession adversely to the plaintiff, it was very properly held that plaintiff could bring a second suit to establish his title. The case of *Girdhar* vs. *Dyabhai* (17) was disposed of on similar grounds. This is, however, not the case in the present suit, for here the High Court decided both the questions in appellants' favour, one expressly and the other substantially, when it held that defendants' possession was not shown to be permissive. In *Sreekristo* vs. *Joy Kristo* (18), it was held that when any part of the case which plaintiff made has been neglected by the Court which tried the suit, he is not at liberty to bring a fresh suit in respect of such part. See also *Deokee Nundun* vs. *Kalee Pershad* (19). It was ruled in *Haji Hasan* vs. *Muncheram* (20), that the question whether a suit is *res judicata* or not is to be decided by reference to the substance of the suit rather than to its form. When the cause of action is based on a right identical in both suits and is supported by the same facts, the second suit is barred. This test is satisfied in the present case completely.

(15). I. L. R., 2 Cal., 172

(16). I. L. R., 7 Cal., 301

(17). I. L. R. 8 Bom., p. 174.

(18). 24 W. R., p. 304.

(19). 5 W. R., p. 303.

(20). I. L. R., 3 Bom., p. 137.

On the whole I am satisfied that the present suit is barred, as not only the parties to this appeal are the same and litigate in the same character and the subject-matter is the same, but the grounds of claim are the same, and the issues heard and finally decided are substantially the same in both suits. I, therefore, find this point in appellants' favour.

It thus becomes unnecessary to discuss the evidence bearing on the question of limitation and general title. The parties have elected to admit in this case the whole of the evidence in the former suit, and the only additional evidence produced consists of the testimony of a few witnesses whose evidence does not greatly advance plaintiff's case. There can be no doubt that plaintiff's Math at Dambal enjoys some special rights over the Charantis or disciples set up by him in the Betigeri Math in dispute. Sir M. Campbell in his Dharwar Gazetteer notices this pre-eminence of plaintiff's Math over subordinate Mathas. The three documents relied on in plaintiff's favour Exhibits 66, 100, 101 also support this same view. As against these Charantis both Dod Bastingaya and San Bastingaya, plaintiff as Swami of the Dambal Math had some rights of a superior dignitary. These rights were admitted by the Charantis in the documents relied upon. Charantis are assistants to the superior head of a monastery, and collect his dues. The Gazetteer, however, mentions that in some cases Charantis have their own Mathas also. This Court in its former judgment expressed its view in favour of plaintiff's supremacy, and if the litigation in the present suit had been confined to the Swami and the Charantis, the admissions (Exhibits 100 and 101) would go to show that in 1861 the Betigeri Math was recognized by the Charanti Dod Bastingaya as the property of Totad Swami and that the latter had power to dispose of it. The Court further held that the agreement of 1871, passed by San[illegible]lingaya established his acknowledgment of the Swami's authority and that he was a disciple of plaintiff's Math and lived in the Betigeri Math. The question of defendants occupat[illegible] of the Betigeri Math and houses and lands [illegible], however, conclu

by this supremacy of the plaintiff Swami over the Charantis. There was no Charanti from the death of Dol Baslingaya in 1855 down to 1871, and since 1879 when Sun Baslingaya died there has been no Charanti. The defendants' possession of the property in dispute can be traced back to 1845-46 *i. e.* to a period long anterior to Sun Baslingaya's agreement. This Court has already found that there is nothing to show that their (defendants') occupation was authorized by Sun Baslingaya. They lived at first in union, but they have since divided the property and hold separate enjoyment. The interpolation of the words relating to the Betigeri Math, even if it was made before the document of 1871 was registered, and the improbable and doubtful character of the agreement of 1882 suggested to the High Court a suspicion that plaintiff's agents conspired to get up evidence which would deprive the defendants of the strength of their title by adverse possession. The additional evidence adduced is of the same character as the one recorded previously in the former suit. Defendants' depositions no doubt suggest reasons for holding that plaintiff's Math has a spiritual authority over the Betigeri Math. The removal of the Vaikemani by order of plaintiff, and the stay of plaintiff's agents in the place after Sun Baslingaya's death, are explained by this circumstance. But all this does not affect defendants' possession in their own right for more than twelve years counting from 1879 or 1882. I take it that it was on this ground, as also on the suspicious character of the agreement of 1882, that plaintiff's claim had been previously rejected. I would for the same reasons reverse the decree of the lower Court and reject the claim with costs.

15th August 1898. M. G. RANADE.

In the High Court of Judicature at Bombay

day the day of , 189 .

APPEAL No. 152 OF 1891 FROM ORIGINAL DECREE.

1, Kotraya bin Gangaya; 2, Shivabasaya bin Kotraya; 3, Basavannaya bin Guranjava; 4, Puranaya bin Guranjava ... (Original Defendants) } *Appellant*

versus

Totadswami Guru Totaswami, by his Vamukhtyar Rachoti Mari Guru Totaswami ... ... (Original Plaintiff) } *Respondent*

Claim—Rs. 5,175-0-0.

The Plaintiff sued to recover possession of the property mentioned in the plaint, with mesne profits.

The original suit, No. 151 of 1889, was decided by the First Class Subordinate Judge of Dharwar, who ordered Plaintiff to recover possession of the property, Rs. 50 as damages and all his costs, together with future profits at Rs. 5 yearly from date of suit to that of possession.

An appeal has been admitted in the High Court from the decision of the lower Court. Notice was ordered to issue by the Honourable Mr. Justice Telang on the 4th December 1891. The grounds of objection to the decision appealed against are that :—

(1). It is contrary to law and the weight of the evidence recorded in the case.

(2). The lower Court erred in holding that Exhibits 66 and 67 were genuine.

(3). The lower Court has not sufficiently appreciated the improbabilities of the story narrated by the witnesses called by the Plaintiff to prove Exhibits 66 and 67.

(4). The lower Court wrongly held that the Plaintiff was the owner of the properties in dispute.

(5). The claim of the Plaintiff is barred by the law of limitation.

(6). The lower Court erred in holding that the Plaintiff was entitled to recover possession of the properties in dispute.

(7). The lower Court wrongly ordered Appellants to pay Rs. 50 as damages to the Plaintiff.

(8). The evidence adduced by the Appellants was wrongly held to be untrustworthy.

(9). The whole of the Appellants' evidence ought to have been taken.

(10). Assuming for the sake of argument Exhibit 66 to be genuine, the lower Court erred in holding that the executant thereof, Baslingaya, was the Baslingaya related to the Appellants.

(11). There is no satisfactory evidence to show that Exhibit 66 was executed by Appellants' relation.

(12). The lower Court wrongly ignored the material circumstance that Appellants had possession of the properties in dispute since 1846, since 25 years before the date of Exhibit 66

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(13). The lower Court wrongly held that any ancestor of the Appellants admitted the Plaintiff's Guru's title to the *math* and attorned to him.

(14). Exhibit 66 does not, even assuming it to be genuine, show that Plaintiff's title to the properties in dispute was admitted.

(15). Exhibit 66 has been misconstrued.

(16). The lower Court has erred in not giving sufficient weight to the material circumstance that the words relating to the math in Exhibit 66 have been interpolated.

(17). It was for the Plaintiff to prove that the interpolations in Exhibit 66 were made *at the time* of the execution of the document.

(18). The lower Court has failed to notice and give sufficient weight to the circumstance that the witnesses called to prove Exhibit 67 have given unsatisfactory evidence and are unreliable.

(19). The lower Court has erred in supposing that the deponent in Exhibit 101 was the uncle of Appellant No. 1 and grand uncle of the other Appellants.

(20). There is no satisfactory or legal evidence in the case to show that the deponent in Exhibit 101 was related to Appellants.

(21). The lower Court erred in holding that the *math* in question is called *virakta math* because that word is a corruption of *virakth* which literally means an ascetic.

(22). There is no evidence in support of the Subordinate Judge's finding that the math in dispute must have been founded by an ascetic or at least was intended for the residence of an ascetic.

(23). The lower Court erred in supposing that it was admitted that no householders were buried in a math.

(24). The lower Court erred in holding that Appellants' documentary evidence does not establish their title to the *math*.

(25). The lower Court's reasons for holding that the land does not belong to Appellants are unsatisfactory.

(26). Appellants having all along had possession of the *math* and the land ever since 1846, the lower Court ought to have held that they were the owners of the properties in dispute.

(27). The lower Court has imputed fraud or mistake to the village officers without sufficient grounds and in the absence of any evidence as to fraud or mistake.

(28). The lower Court has wrongly held it to be undisputed that Baslingaya, whose name is entered as the khatedar of the land, is the Dod Baslingaya who died several years ago.

Judgment on appeal No. 7 of 1883 from original Decree.

Tvarkadevami Guru Tvarkadevami deceased his heir Tvarkadevami by his recognized agent Ravkotimani (original Plaintiff) } Appellant

versus.

Shidlingaya, son of Ryavva and others (original Defendants) } Respondents

Appeal from the decision of Rao Bahadur Balaji Lakshman, First Class Subordinate Judge of Dharwar in original Suit No. 694 of 1881.

The Subordinate Judge has treated the present suit as one merely for possession and in continuation of the suit No. 581 of 1878. The judgment in Ramloji Tanaji v/s Dholapa Raghu (a) may be thought to afford some foundation for this view of the suit. We agree however with

(a) I. L. R. 4 Bom. 123

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Judgment on appeal No. 7 of 1883 from original Decree.

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Twatadeswami Guru Twatadeswami deceased his heir Twatadeswami by his recognized agent Raebotimari (Original Plaintiff) } Appellant.

Versus.

Shidlingaya, son of Ryawa and others (original Defendants) } Respondents.

Appeal from the decision of Rao Bahadur Babaji Lakshman, First Class Subordinate Judge of Dharwar in original Suit No. 694 of 1881.

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(a) I L.R. 4 Bom. 123

Ranloji Tanaji vs Kholapa Raglu (a) may be thought to afford some foundation for this view of the suit. We agree however with

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r Michael Westropp C.J. ri thinking
rit is impossible to maintain that the
claim made by a total stranger to the
original suit can be regarded as a
continuation of a suit ri which there
ed been a final decree before his
claim (subsequently ri obedience to
Section 331 converted rito a suit) was made".
Dayachand Nemchand Vs Nemchand Dharamchand (b) I.L.R. 4 Bom 527.
(le) - Section 331 it is to be remarked provides
that the Court is to proceed to investigate
the claim ri the same manner and with
the like power as if a suit "for the
property" had been instituted by the
decree-holder against the claimant -
Now the defendants' case is that they
occupy the lands under tenancies -
created by Andanswami - but the latter,
it is clear from the pleadings ri
no suit instituted by the previous
Guru of the Matta Nadanswami
against Andanswami, set up no higher
title than to be entitled to manage
the lands of the Matta ri defendant by
the plaintiff ri that suit, a claim
which

which was decided against him Lucha-
tenancies therefore as defendants obtained
from Audinarayani must be regarded as
having been granted by him in that
Character, and for and on behalf of the
Math. The mere fact therefore of non-
payment of rent by defendants to
Audinarayani as to Ramadasvami as to
the Plaintiff for the last 12 years (even
if non-payment had been proved by
the defendants) could not operate to make
their possession hostile to the Math.
The subordinate judge was therefore
wrong in holding the suit barred
As there is no defence to Plaintiffs'
suit on the merits, we must reverse
so much of the decree of the Court
below as has been appealed against
and order that possession be
delivered of all the property to
the Plaintiff by the defendants.
Defendants to pay Plaintiff his

Costs

costs here and in the Court below.

12th April 1884.

(Signed) Charles Sargent.

(Signed) Manabhai Haridas.

True copy

[illegible]

Acting Deputy Registrar

[illegible]

Acting Sealer

The finding of [illegible]

[illegible]

[illegible]

[

ತಾಲೂಕು ಮಟ್ಟದಲ್ಲಿ ಕಾರ್ಮಿಕ ಅಧಿಕಾರಿಗಳಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ ನಂತರ ಅರ್ಜಿಯ ಪರಿಶೀಲನೆ ನಡೆಸಲಾಗುತ್ತದೆ. ಅರ್ಜಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಯ ಸತ್ಯಾಸತ್ಯತೆಯನ್ನು ಪರಿಶೀಲಿಸಿ ಅರ್ಜಿಯನ್ನು ಅಂಗೀಕರಿಸಲಾಗುತ್ತದೆ. ಅರ್ಜಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಯು ಸರಿಯಾಗಿಲ್ಲದಿದ್ದಲ್ಲಿ ಅರ್ಜಿಯನ್ನು ತಿರಸ್ಕರಿಸಲಾಗುತ್ತದೆ. ಅರ್ಜಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಯು ಸರಿಯಾಗಿದ್ದಲ್ಲಿ ಅರ್ಜಿಯನ್ನು ಅಂಗೀಕರಿಸಿ ಫಲಾನುಭವಿಯ ಖಾತೆಗೆ ಹಣವನ್ನು ಜಮಾ ಮಾಡಲಾಗುತ್ತದೆ.

ಫಲಾನುಭವಿಯು

పై సామెతలోని భావం వివరించి, ఇటువంటి
ఇంకొక్క రెండు సామెతలు రాయండి.

పెద్దలు చెప్పిన మాటలు వినాలి. అలా వినకపోతే
పెద్దలు చెప్పిన మాటలు వినకపోతే

లేదా

ఆ.వె. 3- ఎవరి కైనను మేలును చేయుటన్
సంతసించువాడు సత్పురుషుడు
అట్టి వారి కెపుడు నాపదల్ రావయా
విశ్వదాభిరామ వినుర వేమ.

Reference dated the [illegible] day of [illegible] 19[illegible] under section 31(2) of the Land Acquisition Act, made by the Special Deputy Collector No. V, Tungabhadra Project, Hospet.

O. P. No. 138 of 1960

BETWEEN:-

The Special Deputy Collector No. I, Tungabhadra Project, Hospet.) Referring Officer.

AND

Vinjamuri Venkatasubbaiah Setty, Sowkar, Agent & Power of Attorney) Claimant.

Reference dated the 16th March 1960 under Section 31(2) of the Land Acquisition Act made by the Special Deputy Collector No. V, Tungabhadra Project, Hospet.

O. P. No.[illegible] of 1960.

BETWEEN:-

The Special Deputy Collector No. V, Tungabhadra Project, Hospet.) Referring Officer.

AND

Sri. Vinjamuri Venkatasubbaiah Setty, Sowkar, Agent & Power of Attorney) Claimant.

Reference dated 5th day of February 1960 under Section 31(2) of the Land Acquisition Act, made by the Special Deputy Collector No. V, Tungabhadra Project, Hospet.

O. P. No. 450 of 1960

BETWEEN:-

The Special Deputy Collector No.V, Tungabhadra Project, Hospet.) Referring Officer.

AND

Sri. Vinjamuri Venkatasubbaiah Setty, Sowkar, Agent & Power of Attorney,) Claimant.

Reference dated 5th day of May 1960 under Section 31(2) of the Land Acquisition Act, made by the Special Deputy Collector No.V, Tungabhadra Project, Hospet.

These references coming for final hearing before me on 12-12-1960, and 8-12-1960: Upon perusal of the references, the statement of the claimant and other material papers connected therewith this court doth make the following

arguments of the Government pleaders for the referring Officers in all the O. Rs. and of Sri. D. Gundurao, advocate for Claimant in O. Rs. 58, 61, 62, 139 and 200 of 1960 and of Sri. S. Seshagirirao, advocate for the claimant in O.S. No.498 of 1960 in the petition having stood over to this for consideration this Court delivers the following.

Judgment.

These are 5 (five) references under Section 31(2) of the Land Acquisition Act made by the Special Land Acquisition Collector Nos. 7, 11 and 1, Bangalore project, objected on the ground that the lands acquired are trust property.

2. Sri. Bommalada Setteppaswami, owning in whose name the lands stand registered has filed statements claiming to be the sole and absolute owner of the lands and counters have been filed in O. P. Nos. 57-61 (C & 65 of 1960 on behalf of the Government contending that the lands are not the claimant's self-acquisitions. On the contentions raised in the statements the following issues which are the same in all the references have been framed.

1. Whether the claimant is absolutely entitled to the lands which were acquired?
2. What relief is the claimant entitled to?

3. Issue No.:- The first reference relates to lands bearing S.Nos. 138-A and 139 to 141 Government dry, in the village of Hampasagaram, Hadagalli taluka. The second reference relates to Inam Wet1-01 acres bearing S.No. 328 in the village of Bachigoudanahalli. O.P. 65 of 1960 s is as regards 2-34 acres of Inam Dry. lands bearing S.No.133 in the village of Basavakodu. O.P. 139 of 1960 relates to Inam wet lands S.No. 243 and 244-B in Thambrahalli. O.P. 200 of 1960 is in respect of Government dry land S.No.36-B in the village of Hakandi and the last O.P. also relates to Government dry S.No.136-b of Hampasagaram.

4. All these references were tried together at

Compared

True copy

Deputy Registrar

Seal

-87-

ಸಾಕ್ಷಿಗಳ ಸಹಿ

ಸಾಕ್ಷಿಗಳ ಸಹಿ

ಸಾಕ್ಷಿಗಳ ಸಹಿ

1932

ಸಂಖ್ಯೆ 3109
ಸಾಲಿನಲ್ಲಿ
1933

ಸಾಲಿನಲ್ಲಿ ಸಂ. 2ಕ್ಕೆ 19.11.1928

5053

4853

20.5.32

30.5.32

Issues

1 What is the cause of action of the plaint.

2 Is the suit in time

3 Does the act prove that the signature of the testator was obtained by misrepresentation

4 What is the effect of this.

5 Is the Mapan Chowdhry a necessary party.

6 What is the result

(3)

రాజా రమ్యకీర్తి చుట్టూ చుట్టూనవారిని

నాయుడు కొట్టేశారు.

రశీదిచ్చినట్టి చిరకననాతా నుయ్యనాతా కూలి చూసి

ల నాయుళ్ళతోటి తాయుగయులబుగాడ్ నాపుబరశోడుచరణి

రి యిచ్చినందరికి కూలోళ్ళనిచ్చిన రోను చ్చిరిచున్నకుండారాలు

నిరంజన జగద్గురు నంగళాంబేదరుకూసాంబు గళ్ళచరు నెంన్దిన

రంబళ్ళచగదగ కూలచుట్టి. యుటేసి లుళ్ళయరుగుది నేళ్ళ

శోబరశోడే వ్రాయుశరి మోడేవ్రకార కూబరసొయలి చూళు

(3000)

నాచార గాదినన్నగేమున్ట్లోరుళ్ళమే. ఈనెందు నాను నన్న మనరా

జి యిందబరశోడే రశీది నక్కుళి. రశీ గన్నళనేశోద్ద

వనాచు నంచల్సరకుగణిశరబుగ్ర తా. 10-3-3ఇచ్చినలు

తా. 13-11-1975

చిరక [illegible] తా ఆయ్యనాతి

నాయుడు

శిల్లంగప్పశిరశెట్టి.

రచ్చ

సంగర్స కమ్మేశ్వర్ని నాయుడిని

ఇట్లు
మీ విశ్వాసపాత్రుడు

(ఇక్కడ సంతకం చేసినవారు తమ పేరును స్పష్టంగా రాయాలి)

పై కారణాల వల్ల నేను ఈ ఉద్యోగానికి రాజీనామా చేస్తున్నాను. దయచేసి నా రాజీనామాను ఆమోదించి నన్ను ఈ ఉద్యోగ బాధ్యతల నుండి విడుదల చేయవలసిందిగా కోరుతున్నాను.

ఈ విషయాలన్నీ ఆలోచించిన తరువాత నేను ఈ ఉద్యోగానికి రాజీనామా చేయాలని నిర్ణయించుకున్నాను. ఈ ఉద్యోగంలో నేను ఎదుర్కొంటున్న సమస్యలు, ఇబ్బందులు మీకు ఇదివరకే తెలుసు. వాటిని పరిష్కరించడానికి మీరు ఎంతగానో ప్రయత్నించారు. అయినా ఆ సమస్యలు పరిష్కారం కాలేదు

శ్రీ

[illegible]

[illegible]

[illegible]

23/3/ 1. వాది పూర్తి చిరునామా సరిగ్గా వ్రాసినారా లేదా పరిశీలించి సరిచేయించవలెను.

2. వాది యొక్క వయస్సు తెలియజేసినారా లేదా పరిశీలించవలెను.

3. వాదికి ఇంతకు ముందు ఇదే విషయమై ఏమైనా దావాలు వేసినట్లయితే వాటి వివరాలు సరిగ్గా వ్రాసినారా లేదా పరిశీలించవలెను.

4. వ్రాతపూర్వక ఫిర్యాదు ఇచ్చినట్లయితే ఆ ఫిర్యాదు ఎవరికి ఇచ్చినారో వారి పూర్తి చిరునామా సరిగ్గా వ్రాసినారా లేదా పరిశీలించవలెను.

5. దావాలో కోరిన వ్యవహారమును బట్టి ఆ వ్యవహారమునకు సంబంధించిన ఏ కోర్టుకు అధికారము కలదో ఆ కోర్టు యొక్క పేరు సరిగ్గా వ్రాసినారా లేదా పరిశీలించవలెను. ఒకవేళ ఆ కోర్టు యొక్క పేరు సరిగ్గా వ్రాయకపోయినట్లయితే ఆ కోర్టు పేరు సరిగ్గా వ్రాయించవలెను. ఒకవేళ ఆ కోర్టుకు ఈ వ్యవహారమును విచారించుటకు అధికారము లేనట్లయితే ఆ కోర్టుకు అధికారము కలదని భావించి ఆ కోర్టు పేరు వ్రాసినట్లయితే ఆ కోర్టు పేరు కొట్టివేసి ఆ వ్యవహారమును విచారించుటకు అధికారము కలదని భావించిన కోర్టు పేరు వ్రాయించవలెను. ఒకవేళ ఆ కోర్టుకు ఈ వ్యవహారమును విచారించుటకు అధికారము లేనట్లయితే ఆ కోర్టుకు అధికారము కలదని భావించి ఆ కోర్టు పేరు వ్రాసినట్లయితే ఆ కోర్టు పేరు కొట్టివేసి ఆ వ్యవహారమును విచారించుటకు అధికారము కలదని భావించిన కోర్టు పేరు వ్రాయించవలెను. ఒకవేళ ఆ కోర్టుకు ఈ వ్యవహారమును విచారించుటకు అధికారము లేనట్లయితే ఆ కోర్టుకు అధికారము కలదని భావించి ఆ కోర్టు పేరు వ్రాసినట్లయితే ఆ కోర్టు పేరు కొట్టివేసి ఆ వ్యవహారమును విచారించుటకు అధికారము కలదని భావించిన కోర్టు పేరు వ్రాయించవలెను. ఒకవేళ ఆ కోర్టుకు ఈ వ్యవహారమును విచారించుటకు అధికారము లేనట్లయితే ఆ కోర్టుకు అధికారము కలదని భావించి ఆ కోర్టు పేరు వ్రాసినట్లయితే ఆ కోర్టు పేరు కొట్టివేసి ఆ వ్యవహారమును విచారించుటకు అధికారము కలదని భావించిన కోర్టు పేరు వ్రాయించవలెను.

6. ఇతరులకు అధికారము ఇవ్వడానికి వీలుగా వకాలత్‌నామా ఇవ్వబడినట్లయితే ఆ వకాలత్‌నామా సరిగ్గా ఉన్నదా లేదా పరిశీలించవలెను. ఒకవేళ వకాలత్‌నామా సరిగ్గా లేనట్లయితే ఆ వకాలత్‌నామా సరిగ్గా వ్రాయించవలెను. ఒకవేళ వకాలత్‌నామా సరిగ్గా వ్రాయించినట్లయితే ఆ వకాలత్‌నామా సరిగ్గా ఉన్నదా లేదా పరిశీలించవలెను. ఒకవేళ వకాలత్‌నామా సరిగ్గా లేనట్లయితే ఆ వకాలత్‌నామా సరిగ్గా వ్రాయించవలెను. ఒకవేళ వకాలత్‌నామా సరిగ్గా వ్రాయించినట్లయితే ఆ వకాలత్‌నామా సరిగ్గా ఉన్నదా లేదా పరిశీలించవలెను. ఒకవేళ వకాలత్‌నామా సరిగ్గా లేనట్లయితే ఆ వకాలత్‌నామా సరిగ్గా వ్రాయించవలెను. ఒకవేళ వకాలత్‌నామా సరిగ్గా వ్రాయించినట్లయితే ఆ వకాలత్‌నామా సరిగ్గా ఉన్నదా లేదా పరిశీలించవలెను. ఒకవేళ వకాలత్‌నామా సరిగ్గా లేనట్లయితే ఆ వకాలత్‌నామా సరిగ్గా వ్రాయించవలెను.

ప్రశ్న — 1 నుండి 5 వరకు.

ప్రశ్నలకు సమాధానాలను ఇవ్వబడిన ఖాళీలలో మాత్రమే రాయండి.

ఖాళీలను పూరించండి.

1. ఒక పదార్థం యొక్క ద్రవ్యరాశి దాని ఘనపరిమాణం మరియు సాంద్రతల లబ్ధానికి సమానం.

2. ఒక వస్తువు యొక్క ద్రవ్యరాశి దాని ఘనపరిమాణం మరియు సాంద్రతల లబ్ధానికి సమానం.

3. ఒక వస్తువు యొక్క ఘనపరిమాణం దాని ద్రవ్యరాశి మరియు సాంద్రతల భాగఫలానికి సమానం.

4. ఒక వస్తువు యొక్క సాంద్రత దాని ద్రవ్యరాశి మరియు ఘనపరిమాణాల భాగఫలానికి సమానం.

5. ఒక వస్తువు యొక్క ద్రవ్యరాశి దాని ఘనపరిమాణం మరియు సాంద్రతల లబ్ధానికి సమానం.

ప్రశ్న — 2 నుండి 5 వరకు.

ప్రశ్నలకు సమాధానాలను ఇవ్వబడిన ఖాళీలలో మాత్రమే రాయండి.

ఖాళీలను పూరించండి.

1. ఒక పదార్థం యొక్క ద్రవ్యరాశి దాని ఘనపరిమాణం మరియు సాంద్రతల లబ్ధానికి సమానం.

2. ఒక వస్తువు యొక్క ద్రవ్యరాశి దాని ఘనపరిమాణం మరియు సాంద్రతల లబ్ధానికి సమానం.

3. ఒక వస్తువు యొక్క ఘనపరిమాణం దాని ద్రవ్యరాశి మరియు సాంద్రతల భాగఫలానికి సమానం.

4. ఒక వస్తువు యొక్క సాంద్రత దాని ద్రవ్యరాశి మరియు ఘనపరిమాణాల భాగఫలానికి సమానం.

5. ఒక వస్తువు యొక్క ద్రవ్యరాశి దాని ఘనపరిమాణం మరియు సాంద్రతల లబ్ధానికి సమానం.

ಸಂಖ್ಯೆ ಎಲ್ಲಾ ಮುಂದಿನ ವರ್ಷದ ಕಾಪ್ಯಗಳಲ್ಲಿ ಬರೆಯಲ್ಪಟ್ಟಿರಬೇಕು. ಅಲ್ಲಾಗ
ಬರೆದಿರಬಾರದು. ಮುಂದಿನ ನಿಶಾಲೇಖನದಲ್ಲಿ ಬಂಗಾರ ಪಿಲ್ಲೆ ಮಾಡಿಸಿಕೊಳ್ಳಲು
ಸಂಬಂಧಪಟ್ಟವರಿಗೆ ತಿಳಿಸಿದೆ.

ಪು. ೬

ಮಾಲೆ ಸಂ. ೭೬

ನಿಶಾಲೇಖನ ಗಣಿತ

ಶ್ರೀ ಕಾಲಿಕಾಂಬಾ ಭಂಡಾರಿಯವರು ಮೊದಲಿನಿಂದಲೂ ಮಾಡಿಕೊಂಡು ಬರುತ್ತಿರುವ
ಮಾಲೆ ನಿಶಾಲೇಖ. ಇದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಹಿಂದಿನ ಗಣಿತ ಅಚ್ಚಾಗಿರುತ್ತದೆ

ಜಮೆ

೩೧೦೦ ಶ್ರೀ. ಎಂ. ಬಿ. ಸಂ. ೧೨

೩೧೦೦

ನಿಶಾಲೇಖ ಗಣಿತದ ಜಾ ಸಂ. ೭೮.

ಶ್ರೀ ಕಾಲಿಕಾಂಬಾ ಸಂಬಂಧಿಸಿದ ಪುಸ್ತಕಗಳು ಸಂಪೂರ್ಣವಾಗಿವೆ

ಜಮೆ

೩೧೦೦ ಪ್ರಭುದೇವಾಲಯ ಸಂ. ಮಾಲೆ ಸಂ. ೭೮ ರಲ್ಲಿ ಪ್ರಭುದೇವಾಲಯ ಸಂಖ್ಯೆ ೭೮.

೧೯೦೦ ಶ್ರೀ ಪಿಲ್ಲೆ ಸಂ. ೧೩೦. ಶ್ರೀ ಬಂಗಾರ

೫೧೦೦

ನಿಶಾಲೇಖ ಗಣಿತ ಮಾಲೆ ಸಂ. ೭೮

ಮಾಲೆ (ಶ್ರೀ ಸಂಖ್ಯೆಯಲ್ಲಿ ನಿಶಾಲೇಖ ಮಾಡಿಸಿಕೊಂಡು ಬಂದಿರುವ ಸಂಖ್ಯೆ

ಸಂ. ಪಿಲ್ಲೆಯವರು ಶ್ರೀ —

ಜಮೆ

೫೧೦೦ ಪ್ರಭು ಮಾ — ಮಾಲೆಯಲ್ಲಿ
ಪ್ರಭು ಮಾಲೆ ಸಂ. ೭೮ —

೫೧೦೦ —

ಪ್ರ. ೭. (೨).

ಶ್ರೀ ಲಕ್ಷ್ಮಿ ನೃಸಿಂಹಸ್ವಾಮಿ ದೇವಸ್ಥಾನ - ಹೊಸಹಳ್ಳಿ

ಸಂಖ್ಯೆ — ದಿನಾಂಕ

ಶ್ರೀಮತಿ ಪಾರ್ವತಮ್ಮ
ಕೋಂ ಲೇ. ಶಂಕರಪ್ಪ
ಹೊಸಹಳ್ಳಿ

ವಿಷಯ — ಸಾಲ ಪಡೆದ ಬಗ್ಗೆ

೨೦೦೦ ರೂ. ಸಾಲವಾಗಿ ಪಡೆದು ಕೊಂಡಿರುವುದಕ್ಕೆ ಈ ಪತ್ರವನ್ನು ಬರೆದು ಕೊಟ್ಟಿರುತ್ತೇವೆ.

ಸಾಲದ ಮೊತ್ತವನ್ನು ಮುಂದಿನ ಮಾರ್ಚ್ ತಿಂಗಳಲ್ಲಿ ಬಡ್ಡಿ ಸಮೇತ ಹಿಂತಿರುಗಿಸಲಾಗುವುದು.

ಸಾಕ್ಷಿದಾರರು

೧. ಶ್ರೀ ಮಲ್ಲಪ್ಪ ತಂದೆ ಲೇ. ಹನುಮಪ್ಪ
ಹೊಸಹಳ್ಳಿ

೨. ಶ್ರೀ ಚಿಕ್ಕಣ್ಣ ತಂದೆ ಲೇ. ಗೌರಪ್ಪ
ಹೊಸಹಳ್ಳಿ

ಸಾಲ ಪಡೆದವರು

ಪ್ರ. ೭. (೩).

ಶ್ರೀ ಲಕ್ಷ್ಮಿ ನೃಸಿಂಹಸ್ವಾಮಿ ದೇವಸ್ಥಾನ - ಹೊಸಹಳ್ಳಿ

ಸಂಖ್ಯೆ — ದಿನಾಂಕ

ಶ್ರೀಮತಿ ಪಾರ್ವತಮ್ಮ
ಕೋಂ ಲೇ. ಶಂಕರಪ್ಪ
ಹೊಸಹಳ್ಳಿ

ವಿಷಯ — ಸಾಲ ಪಡೆದ ಬಗ್ಗೆ

೨೦೦೦ ರೂ. ಸಾಲವಾಗಿ ಪಡೆದು ಕೊಂಡಿರುವುದಕ್ಕೆ ಈ ಪತ್ರವನ್ನು ಬರೆದು ಕೊಟ್ಟಿರುತ್ತೇವೆ.

ಸಾಲದ ಮೊತ್ತವನ್ನು ಮುಂದಿನ ಮಾರ್ಚ್ ತಿಂಗಳಲ್ಲಿ ಬಡ್ಡಿ ಸಮೇತ ಹಿಂತಿರುಗಿಸಲಾಗುವುದು.

ಸಾಕ್ಷಿದಾರರು

೧. ಶ್ರೀ ಮಲ್ಲಪ್ಪ ತಂದೆ ಲೇ. ಹನುಮಪ್ಪ
ಹೊಸಹಳ್ಳಿ

೨. ಶ್ರೀ ಚಿಕ್ಕಣ್ಣ ತಂದೆ ಲೇ. ಗೌರಪ್ಪ
ಹೊಸಹಳ್ಳಿ

ಸಾಲ ಪಡೆದವರು

ಪ್ರ. ೭. (೪).

ಶ್ರೀ ಲಕ್ಷ್ಮಿ ನೃಸಿಂಹ ದೇವರ ಪೂಜಾ ನಿಧಿಗೆ ಹೊಸಹಳ್ಳಿ - ಪತ್ರ ಬರೆದವರು

ಸಂಖ್ಯೆ — ದಿನಾಂಕ

೩೦೦೦ ರೂ. ಶ್ರೀಮತಿ ಪಾರ್ವತಮ್ಮ ಕೋಂ ಲೇ. ಶಂಕರಪ್ಪ
ಹೊಸಹಳ್ಳಿ ಇವರು ಶ್ರೀ ಲಕ್ಷ್ಮಿ ನೃಸಿಂಹ ದೇವರ ಪೂಜಾ ನಿಧಿಗೆ ಕೊಟ್ಟ ಹಣ.

ಶ್ರೀ ಲಕ್ಷ್ಮಿ ನೃಸಿಂಹ ದೇವಸ್ಥಾನ
ಹೊಸಹಳ್ಳಿ

ಪ್ರ. ೭. (೫).

ಶ್ರೀ ಲಕ್ಷ್ಮಿ ನೃಸಿಂಹಸ್ವಾಮಿ ದೇವಸ್ಥಾನ - ಹೊಸಹಳ್ಳಿ

ಸಂಖ್ಯೆ — ದಿನಾಂಕ

ಶ್ರೀಮತಿ ಪಾರ್ವತಮ್ಮ
ಕೋಂ ಲೇ. ಶಂಕರಪ್ಪ
ಹೊಸಹಳ್ಳಿ

ವಿಷಯ — ಸಾಲ ಪಡೆದ ಬಗ್ಗೆ

೨೦೦೦ ರೂ. ಸಾಲವಾಗಿ ಪಡೆದು ಕೊಂಡಿರುವುದಕ್ಕೆ ಈ ಪತ್ರವನ್ನು ಬರೆದು ಕೊಟ್ಟಿರುತ್ತೇವೆ.

ಸಾಲದ ಮೊತ್ತವನ್ನು ಮುಂದಿನ ಮಾರ್ಚ್ ತಿಂಗಳಲ್ಲಿ ಬಡ್ಡಿ ಸಮೇತ ಹಿಂತಿರುಗಿಸಲಾಗುವುದು.

ಸಾಕ್ಷಿದಾರರು

೧. ಶ್ರೀ ಮಲ್ಲಪ್ಪ ತಂದೆ ಲೇ. ಹನುಮಪ್ಪ
ಹೊಸಹಳ್ಳಿ

೨. ಶ್ರೀ ಚಿಕ್ಕಣ್ಣ ತಂದೆ ಲೇ. ಗೌರಪ್ಪ
ಹೊಸಹಳ್ಳಿ

ಸಾಲ ಪಡೆದವರು

ಅಜ್ಞಾಪನೆ (Dissolution) ಸಂ. 241/32

ವಾದಿ -

1. ಪಾಲುದಾರಿಕೆಯ ವ್ಯವಹಾರವನ್ನು ನಡೆಸಲು ಮಾಡಿಕೊಂಡಿದ್ದ ಕರಾರು ದಿನಾಂಕ 3.6.30 ರಲ್ಲಿ ಮುಕ್ತಾಯವಾಗಿದೆ.

2. ಪಾಲುದಾರಿಕೆಯ ವ್ಯವಹಾರವನ್ನು ಮುಂದುವರಿಸಲು ಪ್ರತಿವಾದಿಯು ಇಷ್ಟಪಡುವುದಿಲ್ಲ. 1.10.30.

3. ಪಾಲುದಾರಿಕೆಯ ಆಸ್ತಿಪಾಸ್ತಿಗಳನ್ನು ಮಾರಿ ಲೆಕ್ಕ ಚುಕ್ತಾ ಮಾಡಬೇಕಾಗಿದೆ. 25.10.30.

14.5.30.

(4) ಕರಾರು -

5. ವಾದಿಯು ಪ್ರತಿವಾದಿಯ ಸಮ್ಮತಿಯಿಲ್ಲದೆ ಪಾಲುದಾರಿಕೆಯ ಆಸ್ತಿಪಾಸ್ತಿಗಳನ್ನು ಮಾರಿ ಲೆಕ್ಕ ಚುಕ್ತಾ ಮಾಡಲು ಕೋರಿದ್ದಾನೆ. 13-11-30

ಆದ್ದರಿಂದ ಈ ಮೊಕದ್ದಮೆಯನ್ನು ಹೂಡಿದ್ದಾನೆ. 18.11.30

6. ಪಾಲುದಾರಿಕೆಯ ಆಸ್ತಿಪಾಸ್ತಿಗಳನ್ನು ಮಾರಿ ಲೆಕ್ಕ ಚುಕ್ತಾ ಮಾಡಲು ಪ್ರತಿವಾದಿಯು ಒಪ್ಪಿಗೆ ಕೊಟ್ಟಿದ್ದಾನೆ. 24.11.30

ಆದ್ದರಿಂದ ಈ ಮೊಕದ್ದಮೆಯನ್ನು ಹೂಡಿದ್ದಾನೆ.

7. ವಾದ ಪ್ರತಿವಾದಿಗಳಲ್ಲಿ ಯಾರೂ ದಿವಾಳಿತನದ ಅರ್ಜಿ ಹಾಕಿಲ್ಲ. 27.11.30.

లా. ఆవలనంబర 241
32.

తరగతి సోదరుడు సోదరి పేరు కులము

ఎ పరుల్యానము చేయుట కొరకు చేయబడినది

తిరుచ్చి

ఎ (ఫ్రీ) మున్సిపల్ హైస్కూల్ ఉపాధ్యాయుడు

తా కి కుమారుడు

చూడండి — వకీలుతనము సంపాదించి ప్రాక్టీసు చేయుచున్నవారు ఇంగ్లీషు భాషలో
తిరిగి గుమాస్తాలను పెట్టుకొని వారి సహాయముతో వ్యాజ్యములు నడుపుచున్నారు
వీరు సాధారణముగా ఫీజులు పుచ్చుకొనుటలో అధిక మొత్తములు పుచ్చుకొనుచున్నారు
కక్షిదారులు ఈ వకీళ్ళ వద్దకు వెళ్ళినప్పుడు వీరి గుమాస్తాలు వారిని ఆకర్షించి
గుమాస్తాలు కక్షిదారులను వకీళ్ళ వద్దకు తీసుకొని వెళ్ళినందుకు వకీళ్ళు
వీరికి కమీషన్ ఇచ్చుచున్నారు. ఈ విధానము మానివేయుటకు ఏమైనా చట్టములు
ఉన్నవా అని తమరు అడిగిన ప్రశ్నకు సమాధానము లేదు.

ఇట్లు
సంతకం —

లా. ఆవలనంబర 241
32

తరగతి సోదరుడు సోదరి పేరు కులము

ఎ పరుల్యానము చేయుట కొరకు చేయబడినది

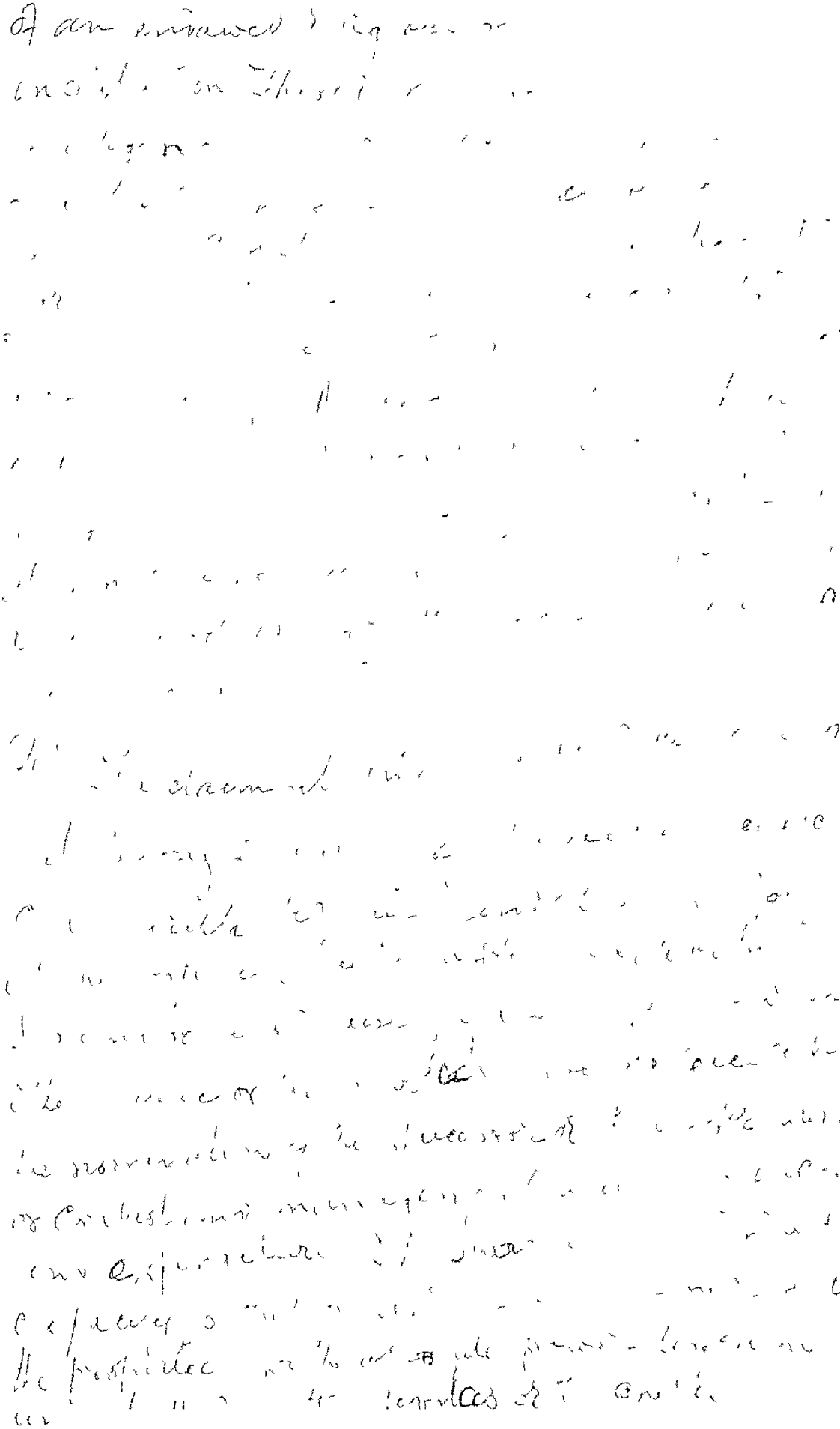
తిరుచ్చి —

ఎ (ఫ్రీ) మున్సిపల్ హైస్కూల్ ఉపాధ్యాయుడు తా కి కుమారుడు

ఇతరుల్లో వ్యాజ్యాలతో వకీలు చాతియు వకీలతో పోటీ
ఇలాగున్నవారి వ్యాజ్యాలు చాతియు వకీలతో పోటీ
చేయుటకు వీలులేదు. వ్యాజ్యాలు చాతియు వకీలతో పోటీ
చేయుట కొరకు వీలులేదు.

ఇట్లు
సంతకం —

ನಾನು ಸಹೀಲಾದ ಮಾಲು ಫ್ಲಿಪ್‌ಕಾರ್ಟ್ ಕಂಪನಿಯ ಡಿ ಸಹೀಲಾದ
ಫ್ಲಿಪ್‌ಕಾರ್ಟ್‌ನಿಂದ ಬರಬೇಕು ——— —



(eighth) April 1931

(eighteenth)

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ధైర్యం కూడబలుకుని భగవంతుడా! తమ్ముడి ఆరోగ్యాన్ని తిరిగి ప్రసాదించమని
మనసా వాచా ప్రార్థించసాగాడు. ఆ రాత్రి అంతా అతడు నిద్రపోలేదు.
ఉదయాన్నే డాక్టర్లు వచ్చి పరీక్షలు చేసి, ఇంజక్షన్లు ఇచ్చి, ఇంకా
ఏమేం చేయాలో చెప్పి వెళ్ళారు. వాళ్ళు చెప్పినట్లే అన్నీ చేశాడు.
కానీ ఫలితం లేకపోయింది.

ఇట్లు

మీ విశ్వాసపాత్రుడు

నన్నెచ్చి చులకనచేసిపోరాదని

మాట్లాడుచుండగా మతరంబున్న మనుష్యులు

మరల రాలుకొనవచ్చిరి

చాలి —

కాలు మాలిన

గాలి మాటలు

మరల రాలుకొనవచ్చిరి

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Order passed by [illegible] Meenachie, The District Magistrate, Dharwar, in the Cross Palanquin and Panch Kalasa case of Annad Anandswami of Gundaragi, under section 144 Cr.P.C. and 44 of Bombay District Police Act on the 9th August 1913.

.....

O R D E R.

In this case the question at issue is the correctness or otherwise of the claim put forward by the Annadanaswami of Gadag to be carried in cross palanquin with the insignia of Panch Kalasa and the effect of the finding on that issue as regards the District Magistrate's duty with respect to section 44 of the Bombay District Police Act and section 144 of the Criminal Procedure Code.

2. The claim of the Annadanaswami is contested by the Totadanaswami of Gadag who asserts his spiritual and temporal superiority over the former and regards the exercise of the right claimed as derogatory to his own headship. The right of the Totadanaswami to go in procession with cross palanquin and panch kalasa has been considered and admitted by the Collector and District Magistrate in his order of the 14th May 1903. Mr. Gibb found that the practice had been continuous for more than half a century and practically unopposed. In that case the opponents were the representatives of the Shringeri swami, the chief spiritual head of the Smarta Community. The dispute then was between the followers of two different religions. In the present case it is between the followers of two maths belonging to the same religion and sect. The question that I have to consider are as follows :-

(1) Is there satisfactory evidence that the right claimed by the Annadanaswami has been exercised unopposed for a substantial -- period?

(2) If the exercise of the right claimed is permitted now is there danger of obstruction or annoyance to the public or of a disturbance of the public tranquility.

I find on the first issue in the negative and on the second in the affirmative, for the following reasons.

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3. Eight witnesses of respectibility and apparent independance -- were produced before me at Mundaragi, who said that they had seen the Annadanaswami in cross palanquin for periods varying from 2½ to

26 to 30 years. On the other hand Mr. Venkatrao Pantulu and Gopaludu, the present head of the leading Desai family of the part of the country and a number of the deccan states the practice dates from 1907 only at which time the maidenga was instituted by one of his own. There is absolutely no documentary evidence as to the exercise or exercise of the --- right at any time up to the last year or so when the followers of the Tatadars and their objections to the proceedings. The evidence of eight gentlemen above mentioned is entitled on the face of it to consideration. On the other hand due allowance must be made for the extent to which the present anadam carni is undoubtly,and to the best of my knowledge deservedly held in hatred and the men punished and the natural tendency to exalt a respected local dignitary. Jumbudaram the relation existing between the parties as proved by documentary evidence I am unable in the absence of the clearest proof of the fact to believe that the Tatadarsani would have permitted the right claimed to the exercise(for the number of years alleged without protest. Mr. Venkatrao's account is consistent both with admitted facts and probabilities. The gradual rise and influence of the Jumbudaramiruth are recent growths and it is natural that pari passu with the increase of funds and the institution of the new Jatra the manam ceremonies attending the progress of the swami should be more elaborated. I hold therefore that the -- alleged practice is of recent institution and not of long standing.

4. Coming to the second issue the significance of cross pallankin and panch balcon must be considered. The privilege of being carried on a palankin cross ways in one's own village or on pecuniary knowledge goes is subject only to rights of the like of an ancient pre-eminence. In Mysore the practice has varied at different times but at present it is admitted in the case of Jagadguru of Shringeri alone. In British India practice is not so strict and the general tendency of judicial rulings is to maintain the right of different sects to make such use as they like of the public street provided that they do not thereby invade the --

the rights of property enjoyed by others, or cause a public - nuisance or interfere with the ordinary use of the streets by the public. Here there is precedent for the use of dandika the privilege has been recorded in this presidency to swamis such as the swami of the Shringeri math of Chitrakaldurg irrespective of the view taken in Gokak. The head of a gaja is essentially an emblem of royalty or supreme priesthood. Now the Totad swami of Gokak, whose preeminent position along with that of the swami of the Hanagal of Hubli, is admitted claims that the Ammadenswami is no more than his subordinate. The judgment of the High Court in special -- appeal No. 877 of 1975 throws the clearest possible light on the respective positions of the two swamis. A document therein referred to dated A.D. 1716 describes the Totadswamis as '--- "Master of the Ammadenmath" and as their Lordships add: "Accurately long before there was any numbering". Again Ext.No.50 signed by numerous swamis including the third on the list Ammadenswami pay is clear acknowledgement at least of his spiritual supremacy. The resumption of the Ammadenmath by the Plaintiff on the occurence of the Vacancy of the first defendants immediate predecessor and the administration there of for four years by the Totadswamis were acts strongly indicative of supreme temporal and spiritual authority .The defendant was nominated to the --- Office of Ammadenswami in 1949 by the plaintiff ". In the --- Present enquiry copy of a registered document has been produced dated 1853 in which the Ammadenswami styles himself with respect to the Totadenswami "your obedient Ammadenswami" . --- Coming to more recent times a hatta standing in the name of the last Ammadenswami was continued after his death in the same -- name .The Totadenswami obtained heirship certificate and got his name substituted. An application was made to get the certificate cancelled,but it was rejected by the First Class Sub-Judge, Dharwar . The Ammadenswami then filed a suit for change of -- Hatta but withdrew it last year . Another suit with respect to the Mankwad-math is still pending. It is not within my province to decide whether Totadeswami is or is not the spiritual and

and to avert a superior of Ananda Gowramma. What I am concerned with is the question whether the followers of the former have good reason to believe that he is, and to prevent the disruption by the latter of privileges implying his quality to an extent that is likely to cause a disturbance of the public tranquility. In my opinion the question must be answered in the affirmative.

5. It was been argued by counsel that, whatever the case may have been once the Anandan Gowri is now independent and is at liberty to assume the insignia of supremacy. Further it has been urged that the followers of the modern avatar greatly out number the followers of the Tottadevaru in Kundapur and that if they choose to carry their avatar in cross procession they have every right, in view of judicial rulings to do so. I am unable to accept either contention. The practice of cross procession is by its very nature the cause of public obstruction and of interference with the ordinary use of the street by the public. It is a direct assertion of supremacy so far as the particular spot is concerned and a challenge to those of the sect who deny it. There is in this connection of long usage it may be admitted but it would be directly contrary to the interests of the public order and peace to admit it in case of every sect that chooses to cut itself off from the parent institution. So far as Kundapur itself is concerned there is some force in the second argument. But if the right were admitted in Kundapur it would be claimed elsewhere and the followers of the two avatars would be liable to come into conflict wherever they are to be found living in the same place.

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6. There is nothing to prevent the Ananda Gowramma going in procession in his plain ordinary manner and without the panch kattus, but for the reasons given above, if precautions are made to use cross pattern and insignia specified, it will be necessary to issue orders under section 144 of the Criminal Procedure Code or section 44 of the Police Act.

7. It appears that last year a new Ananda Gowramma appointed by

by the Postmaster General as provided in cross-complaint. This will not be permitted in future. The privilege extended to the Postmaster personally, and if it is prohibited in the case of the --- agent of the said Postmaster, the prohibition must apply equally to any person hereby authorized by the Postmaster.

Dated at.

D-F-1913.

50,- .. " consent .

Dist Atty plaintiff to be served.

[illegible]

[illegible]

[illegible]

[illegible] by [illegible], the interest [illegible], the [illegible], to the [illegible] [illegible] [illegible] of [illegible] [illegible] of [illegible] [illegible] [illegible]

60 to 80 years. On the other hand Mr. Venkatrao Narasingrao Kadagaude, the representative of the leading Nagar family of the part of the country and a member of the deccan states that the practice dates from 1867 only at which time the Amadeswar had instituted a Jatra of his own. There is absolutely no documentary evidence as to the exercise of the ---- right at any time up to the last year or so when the followers of the Tatadeswar took objections to the proceedings. The evidence of eight gentlemen above mentioned is entitled on the face of it to consideration. On the other hand due allowance must be made for the extent to which the present Amadeswar is undoubtedly, and to the best of my knowledge deservedly held in Vadnagar and the neighbourhood and the natural tendency to exalt a respected local dignitary. Considering the relation existing between the suits as proved by documentary evidence I am unable in the absence of the clearest proof of the fact to believe that the Tatadeswar would have permitted the right claimed to be exercised for the number of years alleged without protest. Mr. Venkatrao's account is consistent both with admitted facts and probabilities. The popularity and influence of the Amadeswar math are recent growth and it is natural that with the increase of funds and the institution of the new Jatra the many ceremonies attending the progress of the Swami should be more elaborated . I hold therefore that the --- alleged practice is of recent institution and not of long stand-ing.

4. Coming to the second issue the significance of cross palanquin and panch haleed must be considered. The privilege of being carried on a palanquin cross ways is one that so far as my ---- knowledge goes is enjoyed only by grants of lands of unquestion-ed preeminence. In Mysore the practice has varied at different times but at present it is admitted in the case of Jagadguru of Shringeri alone. In British India practice is not so strict and the general tendency of judicial rulings is to maintain the right of different sects to make such use as they like of the public street provided that they do not thereby invade the --

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7. It is [illegible]

b, the total amount was e raised in cross patronage . Then will not be possible in future. The private licences to the total amount [illegible] be withdrawn in the case of the ---- of the Act mentioned, the prohibition will apply equally to any person who may be found in charge of the Merchandise.

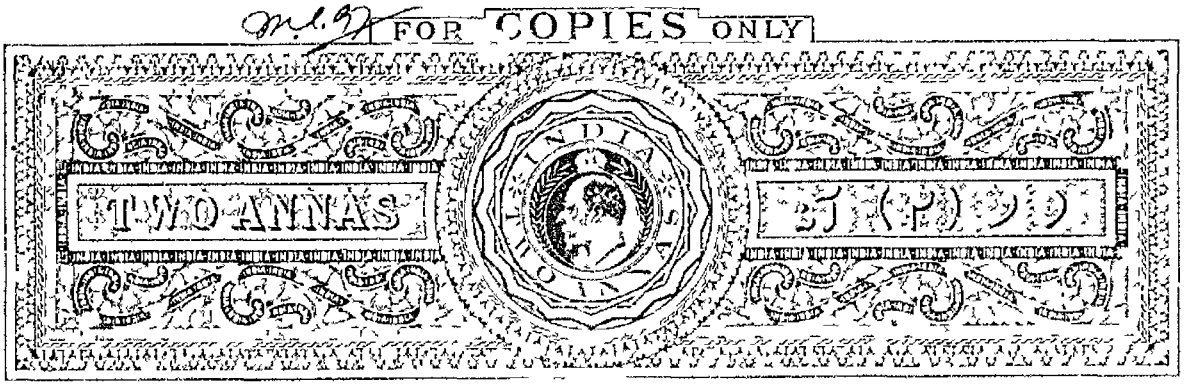
[illegible]
5-5-1915.

[illegible]
Assistant Collector. Customs.

[illegible]

[illegible]

[illegible]



Mr. 392 Proceedings of the Head Assistant
Magistrate of Attapet Division. Dated 19.12.03
Read. 1 Petition presented by T Varadi Row
and other Brahmins of Sembrahalli requesting
to issue orders forbidding Doddaswami from
going in procession with Cross Balanguin and
other insignia in Sembrahalli
(2) petition presented by the Raiyats of the
Same Village requesting to allow them to take
Doddaswami in procession with the insignia
(3) Statements taken from Venkatappa and
Kattappa on 23.11.03
(4) Copies of the orders produced on
both sides. Heard also Mr Varilo on both
sides.

Order

The Raiyats of Sembrahalli claim the right
to take the Doddaswami in procession with
certain insignia, the chief of which seems
to be a Balanguin carried crosswise, and
the Brahmans dispute this claim. No final
order, showing or disproving the existence
of the right, has been produced by either party,
and the only grounds on which I can deal
with the petition is to see whether it is

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necessary or not to stop the procession by an order under the Criminal Procedure Code. It certainly lies on the Brahmans to prove first that the Sitaramiah does not possess this right or that there are reasons why it may not be exercised in Dambrahalli. The documents produced show that the right has been allowed in the Chamber District, and that an order was passed by the then Head Assistant Magistrate in 1865 allowing the procession in Dambrahalli. As against this the Brahmins only assert that the right has not been exercised in Dambrahalli. In the absence of definite proof that this right can only be conferred by a certain authority, and that it has not been so conferred on the Sitaramiah, and the consequently, the Brahmins have reasonable grounds for objecting to the exercise of the right. I see no reason to forbid the procession. As there seems to be some excitement about the question I order that the procession shall not be held unless ten days notice has been given

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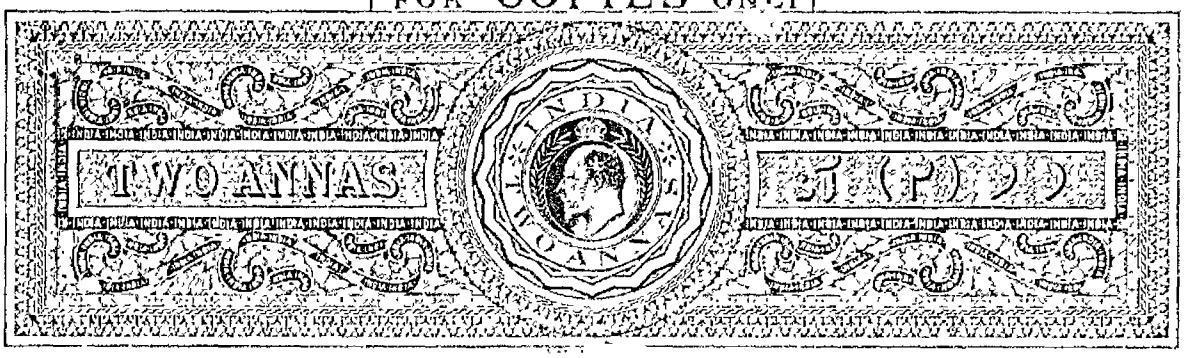

To the Despatcher of Post &c. &c. &c. B. C. Smith
19.12.03.
Head Assistant Magistrate
1 Free copy.

Ag. Head Clerk

Copy by. [illegible]
Compared by. [illegible]
Corrections: [illegible]
Notes: [illegible]

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16-12-12
31-1-13

No 5811

Judicial Department

Bombay Castle 13th December 1913

To

Chennabasawaya Sukeraya Hungirsimath
and other residents of Kundargi
Dharwar

Memorandum

With reference to the memorial dated the 8th October 1913 appealing against the order passed by the 1st Magistrate Dharwar, on the 9th August 1913 in which he intimated that preparations were made to carry the Andaru Jatra of Kadag in a palang in bare procession ~~under Section 144, the Criminal Procedure~~ or with the insignia of Panch-Kalasa, order should be issued under Section 144 of the Code of Criminal Procedure, 1898 or Section 44 of the Bombay District Police Act 1890, the Chennabasawaya Sukeraya Hungirsimath and others are informed that after careful consideration Government see no reason to interfere in the matter.

96

By order of the Governor in Council

Under Secy to Govt

In the Court of the Collector
and District Magistrate Khulna

List of papers filed in by the

application		
notice	[illegible]	
1 copy of the	9-8-1913	Has been
copy of the		applied for but not
order of District		obtained as copy of
Magistrate refusing		copy is kept
Application		
from which		
cross Rule appeal		
and Revision		
1 copy of the		"
copy of Govt		
[illegible]		
confirming the		
above order		
of District		
Magistrate		
certified copy	6-11	
of High Court	1876	
in Original		
Special appeal		
No 297 / 1875		
order of Govt	9-9	
	1912	
order		

Copy certified copy of the order of the Court of first class magistrate Ernakulam refusing discharge from criminal prosecution and Panchnama.	20-3-1921	
Printed copy of Subordinate Judge's decree in suit No. 277 1914	26-1-1916	As there is no time to get certified copy printed copy is used.
Certified copy of judgment of High Court in appeal No 822 1917	11 August 1920	

Copy applied for on 19th September 1912

Copy prepared on. 2nd October 191

Copy sent by post on. 4th October 19

For Commissioner

S.D.

No. P/415 of 1910.

28th May 1910.

Number of words.
90
Copying fee - 2 - 0
Comparing fee - - - 6
Postage &c - - - -
Total - 2 - 6

order on the petition of the follower

of Shri Niranjan Jagad guru -

Shriman Niranjan Jagad

guru Total Swamii Sansthan Math

Dambal Gadag has been permitte

to pass in cross palanquin with

the Panchkalas and other insignia

of his office as spiritual guru of

the Lingayet Community in all

places within the Southern Divisio

97.

All Collectors and District Magistrates are requested to see that the exercise of the said right by the said Swami is not interfered with by anybody.

Copied by
Sardarkhan
Compared
W.Z.

sd/ M C Gibb
Commissioner S.D.

True copy
H Rumbold
Asst Commissioner S.D

Copy applied for on. 19th September 1912

Copy prepared on 2nd October 1912

Copy Sent by post on. 4th October 1912

For Commissioner, S.D.

Rev. P/415 of 1910

23rd May 1910

Number of words 90

Copying fee. 0-2-0

Comparing fee 0-0-6

Paper cost 0-0-3

Total 0-2-9

Order on the petition of the followers of Shri Niranjan Jagad guru Shri man Niranjan Jagad guru Jolad Swami Sansthan Math Damba Gadag has been permitted to pass in cross palanquin with the Panchkalas and other insignia of his office as Spiritual guru of the Lingayet Community in all places within the Southern Division of

98

Collectors and District Magistrates are requested to see that the exercise of the said right by the said Swamis is not interfered with by anybody.

Copied by
Sardarkhan
Compd. with
JHL

sd/- W. C. Gibb
Commissioner SD

True copy.

Hollingbery
for Commissioner SD

APPEAL No. 15 OF 1898 FROM ORIGINAL DECREE.

Shivabasaya bin Kotraya and others (Original Defendants Nos. 1, 3 and 4) ... ... } Appellants.

versus

Totad Swami Guru Totad Swami, by his Vatmukhtiar Rachoti Mari Guru Totad Swami (Original Plaintiff) ... } Respondent.

Appeal from the decision of Rao Bahadur G. V. Bhanap, First Class Subordinate Judge of Dharwar, in Suit No. 275 of 1895.

The Hon'ble Mr. P. M. Mehta with the Hon'ble Mr. N. G. Chandavarkar for the appellants.

Messrs Lowndes and Hosahalli with Messrs. Shamrao Vithal and D. A. Idgunji for the respondent.

Judgment.—I do not think the plaintiff's claim in the present suit is barred by the decision of the High Court in Appeal 152 of 1891. In the first place two of the present defendants were not parties to that suit. There can be no question of *res judicata* between them and the plaintiff. On this ground, if on no other, it is necessary to go into the merits. Secondly, as regards the other four defendants it seems to me on perusing the judgment delivered on the 2nd October 1894 by Chief Justice Bayley and myself, and on referring to my notes of counsel's arguments, that we were of opinion that the only cause of action alleged by the plaintiff was the breach of the conditions of the alleged lease of the 9th November 1882. That lease we held not proved and we, therefore, rejected the claim. Doubtless the plaintiff might have prayed in the alternative for possession on the ground that he was entitled to it independently of the lease, but he (see *Girdhar Manordas* vs. *Dayabhai Kalabhai* (1)) was not bound to do so and we did not consider that he did so. On looking to the plaint in that suit I think we were right. The plaintiff's prayer for a declaration of title was merely ancillary to his prayer for possession. The only ground on which he asked for possession was that the terms of the alleged lease had been broken. That was the view I think taken by us. It was also the view apparently taken by the learned counsel who argued the case before us, as neither in our judgment nor in my notes of the arguments is there any reference to the question of limitation which is the principal defence in the present case. The Subordinate Judge who tried the case took the same view. In dealing with issue 3 he said 'I fail to see how this suit based on an agreement dated 1882 can ever be time-barred." Subsequently no doubt the plaintiff after the decision had been given against him applied for review on the ground that his alternative prayer had been overlooked. A *rule* was granted *ex parte* probably on the ground that without hearing counsel on the other side it was inexpedient to decide the question, but when the *rule* came on for argument before Chief Justice Bayley it was discharged. What may have been the reasons for his Lordship's order can only be conjectured as no note of them is available, but the effect was simply to leave unaltered the original judgment

(1). I. L. R., 8 Bom., p. 174

The plaintiff has now brought this suit alleging that he is the owner and that his cause of action arose in November 1889 when the defendants in their written statement in the former suit denied his title That is quite a different cause of action from the one alleged in the former suit and in fact had not arisen when it was launched. As the denial of title is not disputed, the only way it can be met is by saying either that the plaintiff never was the owner of the property or that he had lost his title under

Section 28 of the Limitation Act. But neither of these points was decided in the former suit. His original title, no doubt, was discussed with a result rather favourable to him than otherwise, but that was merely for the purpose of considering the probability or improbability of the lease. The alleged loss of title by limitation which is really the only arguable point in the present case was never touched on. It is difficult then to see what it is that is *res judicata* excepting the failure of the plaintiff to establish the alleged lease.

Possibly, if we had been asked when the appeal was being argued, we might have taken a different view of the meaning of the plaint in the former suit; and if we had done so we might have determined the relative positions of the parties irrespective of the alleged lease, but it seems to me impossible now to argue that our construction of that plaint was wrong without asking us to disregard that rule of *res judicata* on which the defendants invite us to base our judgment.

I must here notice that as defendants 5 and 6 were not parties to the former suit, the alleged cause of action against them is a mistake. The point is immaterial. If the plaintiff has proved his allegations he is entitled to recover from them on demand, and the plaint is a sufficient demand to support the suit.

I now turn to the merits of the case.

I think it is clearly proved that this Math was acquired by Dod Baslingapa and Exhibits 100 and 101 leave no doubt in my mind that he agreed to hold it from the plaintiff's predecessor. He was a Charanti of the Totadaswami and the only construction I can put on his language in Exhibit 101 is that he occupied the Math at the pleasure of the Totadaswami. He paid no rent and said it was continued as in inam, but he also says "When we leave Maths the arrangements that are to be made in respect of those Maths should be made according to the orders of the Swami." Even his answer, 22, in which he uses the word "Inam" shows that his rights, whatever they were, were derived from the Swami. Dod Baslingapa died not later than 1856 and there was no Charanti appointed in this Math till 1871 when San Baslingapa was nominated. The latter died about 1879. The defendants are members of the family of the two Baslingapas, but they are not descendants of either of them. In this respect the pedigree given in the Subordinate Judge's judgment is wrong. Dod Baslingapa was not the father of Gangaya, Chanbasaya and Dod Basaya; but their collateral —probably their brother. How the family came into occupation in the Math is not very clearly proved, but the tradition of the family is that they came from Kowlur and acquired the Math at Betgeri. The 5th defendant Totaya at first said that his grandfather Dod Basaya acquired it, but in cross-examination he says it was acquired by Dod Baslingapa who came there alone. The 6th defendant Mudkaya says that he had heard that Dod Baslingapa had come to Betgeri and acquired the Math. The 2nd defendant Chanbasaya says that the Math was held by Dod Baslingapa under the Swami from whom it was acquired. From the evidence of these three persons I gather that although the defendants now claim the Math as their own they are aware that it was obtained by Dod Baslingapa from the Swami and the only inference I can draw is that their fathers or grandfathers entered into occupation with Dod Baslingapa's permission. This is consistent with the fact that the position of Dod Baslingapa is never alleged to have been questioned, and there would most likely have been disputes and quarrels if without authority he had been acknowledging his dependence on the Swami for his tenure. Holding then that the predecessors of the present defendants got into possession by the permission of Dod Baslingapa whose rights were derived from the Swami, I have

position was after the death of Dod Baslingapa. His right of occupation or tenancy expired with him and the question arises whether the possession of the defendants' families was adverse to the Swami after his death.

Mr. Lowndes for the plaintiff referred to the decision of Mr. Justice Telang and myself in *Krishnaji* vs. *Antaji* (2), but on the other hand Mr. Mehta relied on the judgment of Sir C Farran and Mr. Justice Candy in *Kantheppa* vs. *Sheshappa* (3). Now I do not think that these two decisions are really inconsistent. I fully accept the proposition laid down in the latter case that on the determination of a tenancy the possession of a tenant holding over is adverse to the landlord *if nothing further occurs*. I do not think that Mr. Justice Telang and I meant to lay down any other doctrine. We did not intend to hold that in all cases where relatives or friends remained in possession after the death of the tenant for life their possession was permissive. It is clear that any such general pronouncement of law would have been incorrect. In each case the circumstances have to be considered to see whether anything further had occurred after the determination of the original tenancy or in other words, whether the occupation was permissive or not. This is a question of fact not of law. The law seems plain. If you occupy another person's land without any right and without his leave, your possession is adverse. If you occupy it under an understanding or agreement with him, your possession is not adverse. In *Krishnaji* vs. *Antaji* (4) I think we must have thought the circumstances were such as to justify us in holding that there was a tacit agreement between the parties. Of course in cases of this sort the evidence from which such an agreement or consensus of minds can be inferred, is generally meagre; and the Court has to judge more by the ordinary course of human conduct than by express proof. Take for instance the case of a man who has given an old servant a cottage to occupy for life. On the servant's death the widow may have continued to live there and the master, being of a considerate nature, may have allowed her to go on doing so and perhaps may have never said a word to her on the subject. In these circumstances the Court would probably infer that she knew she was holding simply by the master's permission and was willing to occupy on those terms: and would consequently hold that her possession was not adverse. In such a case it might be contended that nothing had occurred since the husband's death, but the Court would probably hold as a finding of fact, and hold correctly, that there had been a tacit understanding between the widow and the landlord which rendered her occupation permissive. The inference, however, would most likely have to be abandoned if she proved that she believed the cottage to have belonged to her husband and that she was holding it under his will.

(2). I. L. R., 18 Bom., 256.

(3). P. J. for 1897, p. 314.

(4). I. L. R., 18 Bom., p. 256.

Turning to the present case the question is whether the evidence shows that the defendants or their predecessors after Dod Baslingapa's death knew that they were holding by the Swami's permission or whether they remained in possession as of right on their own account. Now, considering that three of them still seem to be aware that the Math was originally the Swami's property, I think there can be very little doubt that when they remained in possession after Dod Baslingapa's death they all know pretty well the state of affairs. The Swami does not seem to have tried to disturb them. He visited the property occasionally and there is nothing to indicate that any dispute occurred or that he ever wished to turn any of them out. After a time one of the family, namely, San Baslingapa became a Charanti and according to the evidence of the 5th defendant the others used to perform his services and act according to his commands. The Swami left his Vaili Mani at the Math and removed it at his convenience. Subsequently as years rolled on, the occupants began, doubtless, to ignore the origin of

their tenure. They divided the property amongst themselves and even litigated with each other on the subject. But if I am right in thinking that in the beginning after Dod Basingapa's death they occupied permissively, they became tenants-at-will, and without surrendering possession neither the original occupants nor their successors could subsequently alter the nature of their tenancy. Mr. Mehta stated that before the Registrar some of them denied the plaintiff's title more than 12 years before the commencement of this suit; but such denial, if made, would not render their possession adverse unless the Swami did some act showing his intention to determine the tenancy—see Section 111 of the Transfer of Property Act, which though not governing this case correctly states the general law on the subject. Reference may also be made to the dictum of Markby J. in *Bejoy Chunder Banerjee vs. Kooly Prosunno Mookerjee* (5) as follows:—

(5) I. L. R., 4 Cal., p. 327.

"One who holds possession on behalf of another does not by a mere denial of that other's title make his possession adverse so as to give himself the benefit of the Statute of Limitations." At the time when the proceedings before the Registrar took place the plaintiff was not claiming to eject the defendants. He was then only endeavouring to prove that they had executed a certain kabuliyat or agreement. It was not till he instituted Suit 151 of 1889, or at any rate till 1885, that he first claimed possession and till then there was not, I think, anything to render their possession adverse. As at the institution of this suit 12 years had not elapsed from that time, his title was not lost and the claim is not time-barred.

In these circumstances I agree with the Acting Chief Justice in thinking that the decree should be confirmed with costs.

11th October 1892

(Signed) E. M. H. FULTON

In the High Court of Judicature at Bombay.

... day, the ... day of ... 189...

APPEAL No. ... OF 1897 FROM ORIGINAL DECREE.

Shivabasaya bin Kotraya; 2, Baswanaya bin Gurunanjaya, deceased, by his heir and son Gurunanjaya bin Baswanaya; 3, Parnaya *alias* Purnaya bin Gurunanjaya ... ... (Original Defendants Nos. 1, 3 and 4) } *Appellants.*

versus

Totad Swami Guru Totad Swami, by his Vatmukhtyar, Rachotimari Guru Totad Swami ... ... (Original Plaintiff) } *Respondent.*

Claim—Rs. 10,500-0-0.

The Plaintiff sued the Defendants to establish his proprietary right to, and to recover possession of, a Math and the houses and land appurtenant to it, as stated and described in the plaint, together with Rs. 300 being the amount of three years' mesne profits at Rs. 100 per annum, prior to the institution of the suit, and further mesne profits from the date of suit until delivery of possession.

The original suit, No. 275 of 1895, was decided by the First Class Subordinate Judge of Dharwar, who awarded the claim with costs on the Defendants.

An appeal has been admitted in the High Court from the decision of the lower Court. Notice was ordered to issue by the Honourable Mr. Justice

ಅಭ್ಯರ್ಥಿಯ ಹೆಸರು : ಸ್ಪಷ್ಟವಾಗಿ

ಅಭ್ಯರ್ಥಿಯ ತಂದೆಯವರ ಹೆಸರು : ಸ್ಪಷ್ಟವಾಗಿ

ಸಹಿ ಮಾದರಿಯಾಗಿ ಸಹಿ : ಸ್ಪಷ್ಟವಾಗಿ

ಈ ಸಹಿಯನ್ನು ಅಭ್ಯರ್ಥಿಯವರು ಸಂಬಂಧಪಟ್ಟವರಿಗೆ ಕಳುಹಿಸಿ ಕೊಡಲು ಮತ್ತು ಅವರಿಂದ
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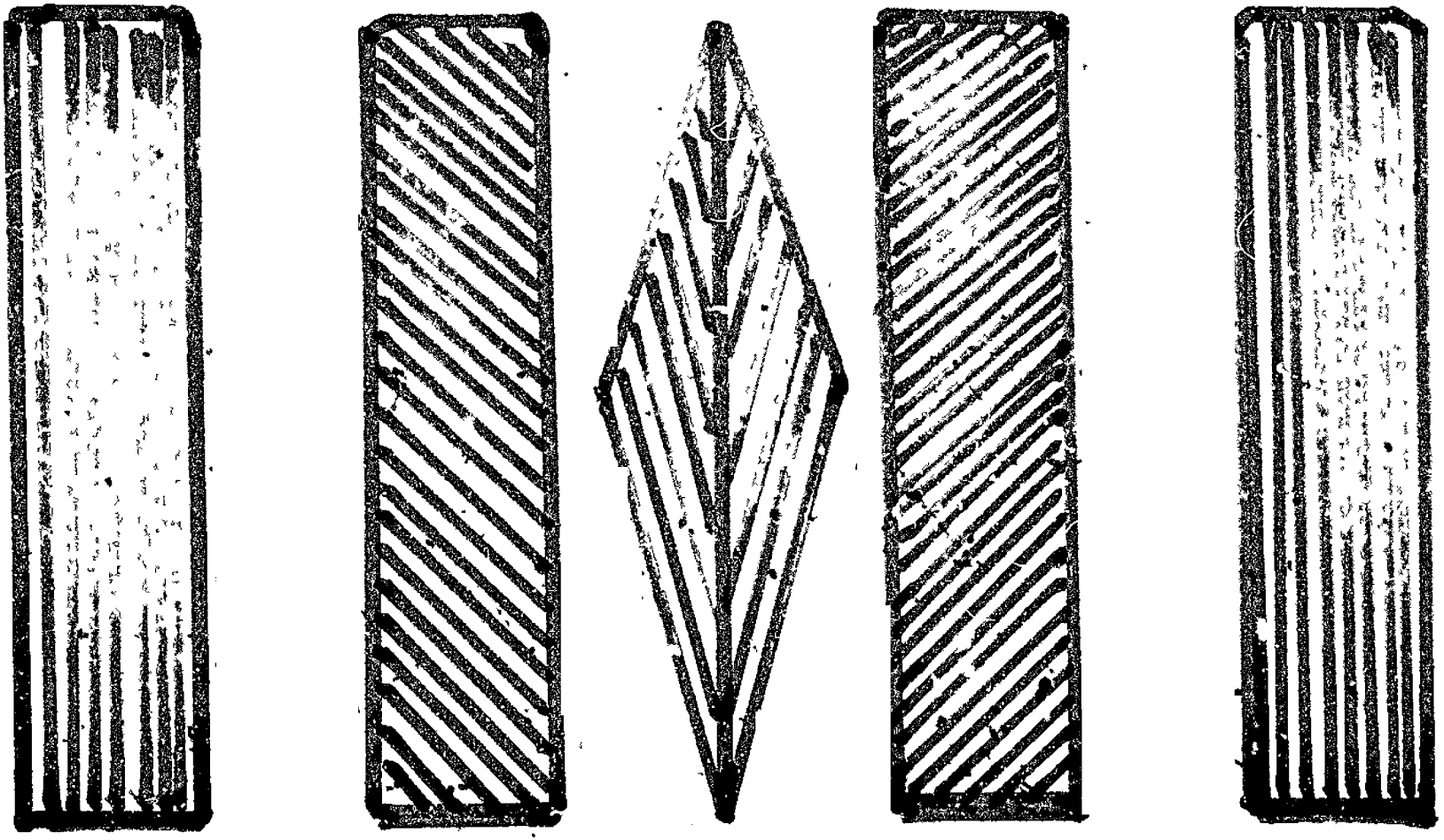
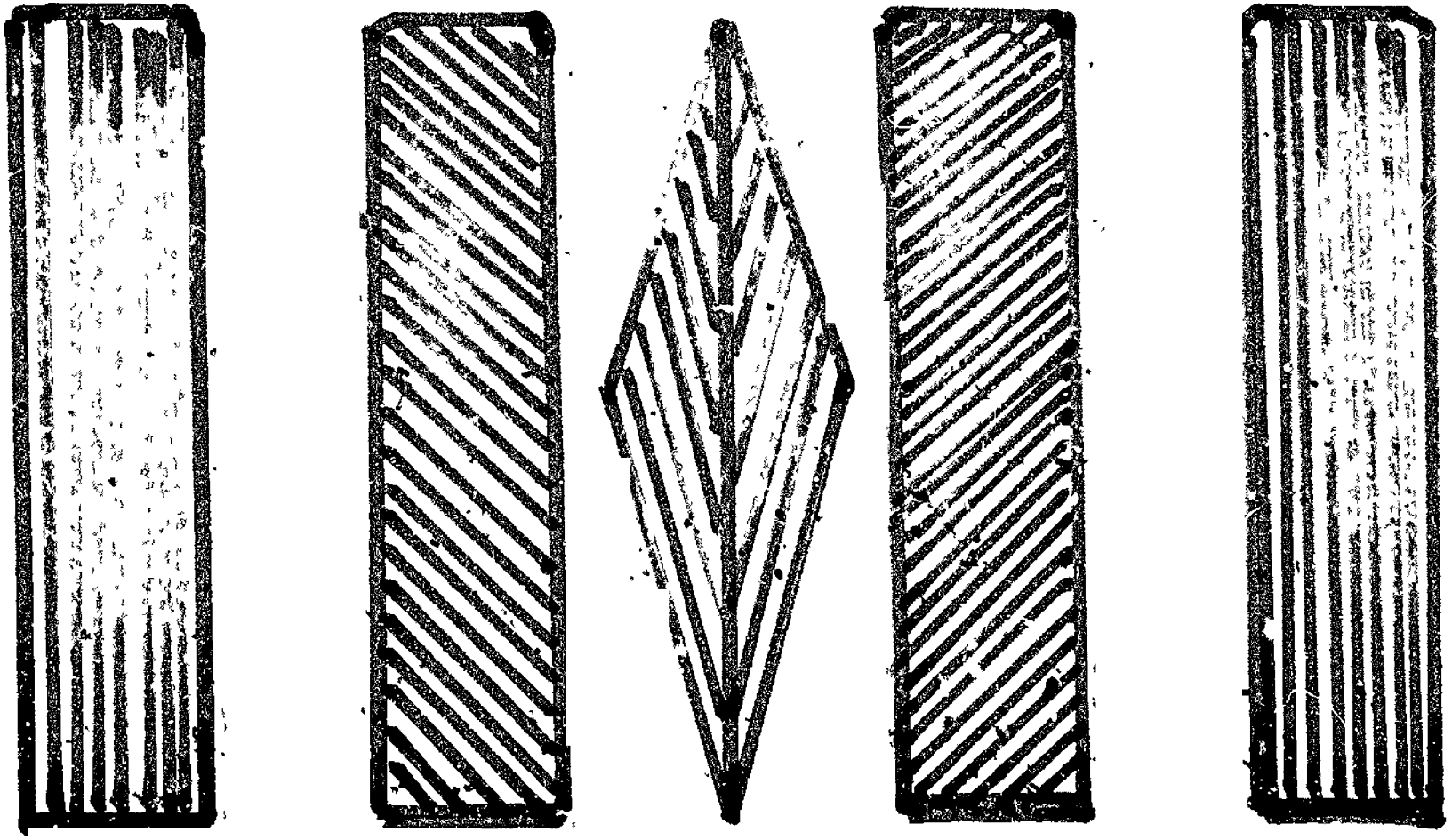
(ಪ್ರಾಂಶುಪಾಲರು ತಪ್ಪದೆ ಪರಿಶೀಲಿಸಬೇಕು)

ಅಭ್ಯರ್ಥಿಯ ಸಹಿ





His Excellency the Governor in Council,

Fort St. George.

y it please Your Excellency,

The Lingayats most respectfully crave leave to present to Your Excellency Council this humble memorial on behalf of His Holiness then Jagatguru adswami of Dambal Samsthan of Gadag for favourable consideration and posal on the following grounds amongst others —

1. That the Lingayats belong to an independent religion among ndoos and bulk very largely in the Bombay Presidency as well as in the dras Presidency including Hyderabad State and Mysore Provinces and mber 32 lacs in population according to the latest Census.

2 That the Lingayats have long asserted their sturdy independence the Brahmins in matters of religion and have thwarted the strenuous endeavours the Brahmins to bring them under their ecclesiastical domination.

3 That seeing that the Brahmins were unsuccessful which they were und to be so owing to the differences in the doctrines between the two communities, *i.e.*, the Lingayats and the Brahmins these Brahmins heartily began to to them and belittle them in the eye of the world and deliberately to present e Lingayats and their doctrines in distorted colours thus showing deep ligious animosity and lack of spirit of toleration and kindliness.

4. That this religious ill-feeling subsisting between the two communities, e Lingayats and the Brahmins is also alluded to in the legal decisions (*vide* inute of the late Justice W Simpson, Puisne Judge of the Saddur Adawlat— L R, 2 Bombay, page 171)

5 That even "The Madras Journal of Literature and Science," Vol XI, ges 117 to 177, refers to the differences in religion between the Lingayats and the rahmins and says that the Brahmins find it convenient to exaggerate their own aims and forget those of their opponents, *i.e.*, the Lingayats and the Brahmins **must have any just ground of complaint if they are compelled to recognize the** atural and civil rights of their fellow citizens, the Lingayats.

6 That the Lingayats on account of their religious freedom from the rahmin shackles which were and are successfully fettered upon other communi es, are looked down upon and are deliberately misrepresented by the Brahmins, henever an opportunity presents itself being actuated by no motive other than hat of magnifying their own importance in the estimation of the world

7. That the authorized Agent and Council, on behalf of the Sringeri Swami the spiritual head of the Brahmins, has admitted that the Sringeri Swami has no ecclesiastical jurisdiction over the Lingayats and this admission has found its way in a recent case in Dharwar between the Brahmin Guru and the Lingayat Guru.

8. That such are the salient features of the Lingayats who have long been maintaining their religious independence, and taunted by the Brahmanical machinations to bring them under control and to misrepresent them on all possible occasions.

9. That His Holiness Shree Jagatguru of Dambal Samsthan of Gadag is the spiritual head of the Lingayats and has His head Mutt at Gadag in the Presidency of Bombay and at Tambrahalli and Hampasagar in the District of Bellary.

10. That His Holiness is otherwise known as Anadi Siddhalinga Swami importing hoary antiquity and is the eighteenth in succession to the Mutt and is well-known for his religious austerities and for his profound erudition and for his philanthropy and for his extensive charities.

11. That he is the Chief Swami of very ancient Mutt which is full of interesting traditions and to which the highest sanctity is attached and the highest veneration is shown by the Lingayats, the famous Murgi Mutt of Chittradroog in the Mysore Provinces and the well-known Murusavira Mutt of Hubli are all branches of this Mutt That these Swamies of this venerable ancient institution command as much reverence as the Sringeri Swami does amongst the Smarta Brahmins and occupy a position and rank exactly similar to that of the Sringeri Swami.

12. That the famous Mutt in Kumbhakonam in the District of Tanjore known as Periamattam in spite of the fact that there is the Mutt belonging to Shree Shankaracharyar of the Brahmins, is a branch of this Gadag Mutt and there is a tradition to the effect that the head of the Periamattam conquered Shree Shankaracharyar in religious discourses and established the Lingayat Supremacy over the Brahmins which is borne testimony to by the fact that in the big tank known as Mahamakam tank in Kumbhakonam, there are two idols placed one above the other, one representing the Lingayat Matathipati and the other representing the Brahmin Matathipati

13. That the said Shree Jagatguru of Dambal Samsthan of Gadag possesses lands granted and enjoyed under the Government and Native Rajahs belonging to different communities in Bombay and Madras Presidencies as well as in Mysore Provinces and Hyderabad States yielding an annual income of Rs. 50,000 or thereabouts in addition to collections from disciples.

14. That there are 500 Mutts subordinate to this Mutt in these provinces over which the Swami has superior ecclesiastical jurisdiction and the Swami has rich jewellry presented by Maharajahs such as the Rajah of Kolhapur and Sivaji and by many other Native Princes. The chief of Harapanahalli had given the village of Aukalgi as Palki Inam to this Mutt

15. That these facts are brought out here with a view to the fact that the Swamies of the Mutt are held in great esteem and reverence from time immemorial.

16. That the Shree Jagatguru has founded a Sanskrit School at Gadag which is attended by more than 20 Students for whom free feed is given in the Mutt at Gadag and also feeds the poor and the destitute.

17. That owing to the greatness of the Swami, the Bombay Government on the recommendation of the District Collector of Dharwar issued a Sanad exempting him from personal appearance in the Courts (*vide* Government Resolution No. 3085 at page 837 of the Bombay Government Gazette, June 23rd, 1904)

18. That the disciples of the Shree Jagatguru applied for a permit to take the Swami in a cross-palanquin and obtained the same after full enquiries made by the District Collector of Dharwar who came to the conclusion that this privilege has been enjoyed from time immemorial and that not only the Swami of Gadag, but also the Swamies of Hubli and Chitradidroog are also entitled to this privilege, the privilege having been recognized by Judicial decision (*vide* Dharwar District Magistrate's order, dated 11th May 1903).

19 That the Lingayats of Tambrahalli, a village in the District of Bellary, applied for permission to carry Shree Jagatguru Totadswami of Dambal Samsthan of Gadag in cross-palanquin in the public streets of Tambrahalli; and the Head Assistant Magistrate of Hospet, after enquiry, granted the requisite permission on the 19th December 1903.

20. That on the 22nd December 1903, one of the few Brahmin residents of the village Tambrahalli in the District of Bellary by name Venkoba Rau prayed for 3 weeks time alleging that he would establish his right to prohibit the procession in the Civil Court; and accordingly the Head Assistant Magistrate of Hospet granted his prayer and ordered that the procession should not be held till the 10th July 1904.

21. That the said Venkoba Rau then presented a revision petition to the Court of the District Magistrate of Bellary against the order of the Head Assistant Magistrate of Hospet made on the 19th December 1903, granting permission to carry the Swami in a cross-palanquin and the District Magistrate threw out the petition to the chagrin of the said Venkoba Rau on the 4th December 1904.

22. That the Lingayats were making arrangements to have the religious procession conducted on the 23rd, 24th and 25th June 1904 and had given also the required notice to the Police.

23 That the said Venkoba Rau, having come to know of the religious procession on the 23rd 24th and 25th June, presented a long petition to the Superintendent of Police on the 18th June 1904, in which he maliciously and wilfully misrepresented the situation in very exaggerated colours with the malignant intention of exasperating the Lingayats by wounding their religious feelings and he was successful in obtaining an order postponing the procession until further orders on the 20th June 1904

24. That the said Venkoba Rau, the shanbhog of the village, was repeatedly presenting petitions with the object of causing vexation and annoyance to the Lingayats.

25. That the order made on the 19th December 1903 by the Head Assistant Magistrate was arrived at after full enquiry instituted by him in course of which it was established that the privilege of carrying the Swami in a cross-palanquin has been exercised by the said Swami for more than half a century.

26. That the petitions to the District Magistrate were renewed year after year to grant the said permit and every time the said Venkoba Rau bent upon mischief used to send up counter petitions which set out falsely that the grant would culminate in a breach of the peace in the village of Tambrahalli in the District of Bellary with the result that the Lingayats are referred to a suit in a Civil Court to establish this right.

27. That in the village of Tambrahalli there are not more than 7 or 8 Brahmin houses whereas the Lingayat houses number 300, and the allegations of Venkoba Rau stating that he represents other caste Hindoos such as Boyas are false and that no other classes of Hindoos are ever-known to have taken any objection to the ceremonial observances of the Lingayats and that there is no likelihood of a breach of the peace.

28. That the District authorities of Bellary being influenced by the counter petitions of the said Venkoba Rau interdicted religious processions and referred the Lingayats to a regular suit in a Civil Court thus causing dissatisfaction to the Lingayat community though the authorities are actuated by the best of motives.

29. That the adverse decisions to the prayers of the Lingayats which they ask for as a matter of right drove them to memorialize Your Excellency's Government and they appeal to you for the protection of their rights and privileges and religious usages in pursuance of the famous declaration of Her late lamented Majesty Queen Victoria the good.

30. That from legal point of view the law affords protection only to congregational worship and the objection of the said Venkoba Rau has no reference to any such worship and as such is untenable and unsubstantial and made with the intention of injuring the religious susceptibilities of the Lingayat community and the District authorities should not be allowed to be influenced by the prejudices and predilections of any particular class when administering justice between man and man.

31. That the right to conduct religious processions in the public streets on lawful occasions in a lawful manner and subject to all lawful orders of a Magistrate is a natural right inherent in every subject of the State.

32. That the Brahmins could have interdicted religious processions by other communities on the public streets, if the public streets had become vested in them by law; and they could not do so since they became vested in Local Funds Boards according to the Local Funds Boards Act.

33. That, in view of the recent decisions the Madras High Court held in the disputes between the Vadagais and the Tengalis that either of the community could not claim exclusive use of the public streets which have become vested by law in the Local Funds Boards

34. That the right which the Lingayats claim being a natural right, the special privileges claimed by the Brahmins are incompatible with the recognized principles of British administration and equal rights of all citizens.

35. That the Law of British India has considerably changed the course of decisions as to the essentials of a valid custom and that it has been repeatedly held that the custom must be proved to exist before it can claim due recognition and it has been rightly held that the custom of interdicting the use of public streets is an unreasonable one and such it can't be enforced

36. That the chief contention of the Brahmins is that they have got the use of prohibiting religious processions, this contention being answered by the late Chief Justice of Madras in the Full Bench decision of Sundram Chetty Vs Queen, the leading case on the subject of processions and the use of public streets to the effect "A custom has to be proved before it can be recognized by a Court of Law and that a practice however ancient is not necessarily a valid custom." To constitute a valid custom it must be reasonable, certain and ancient and it is not probable that any Court would hold that to be a reasonable custom which requires the members of one section of the community to restrict themselves in their ordinary rights in recognition of a reverence due to a religion to which they do not belong and in which they do not believe—I L R., 6 Madras, page 226

37. That the above observation has been quoted and followed in the recent decision on the point in which the Madras High Court observes :—

"We have not been referred to a single reported case in which such a right of one sect to interdict a rival sect from the use of the public streets has been recognized by the superior Courts in India." The correct view, as stated in the later cases, is that every member of the public and every sect has a right to use the public streets in a lawful manner—I. L. R., 26 Madras, pages 377 & 383

38. That the right of going in the public streets in cross-palanquin is not exclusive right belonging to the Brahmins and that in a cross-palanquin suit brought by the Shringeri Swami for Rs. 15,000, damages and for a permanent injunction against the Lingayat Swami of Hubli the Shringeri Swami failed to prove the existence of such an exclusive privilege before the Bombay High Court with the result that the suit was dismissed with costs, that the late Justice W. Simpson of the Sudder Adaulat held that the Shringeri Swami could not claim the exclusive use of the public streets and that under the aegis of the British Government everybody could exercise the right—I. L. R., 2 Bombay, 474.

39. That Shree Jagatguru Totad Swami of Dambal Mutt Samsthan of Gadag is the highest Priest of the Lingayats (in the Bombay and Madras Presidency?)

10 That His Highness the Maha Rajah of Mysore sent an announcement in the year 1816 to all his officers that the Swami of Chitta idroog Mutt in Mysore which is a branch Mutt of the Shree Totad Swami Mutt of Gadag (that the said Swami had the right of being carried in a cross-palanquin in conformity with mamool with all the necessary insignia (*vide* order by His Highness on the 29th September 1816)

11. That when the said Swami of Chitta idroog went to the Bombay Presidency, the District authorities granted a permit to carry the Swami in a cross-palanquin with all the necessary insignia (*vide*)

12 That the exclusive privilege claimed by the Shringeri Swami of the Brahmins was set at rest by the facts aforesaid.

13 The Petitioners therefore pray that Your Excellency's sympathetic Government may be pleased to grant permission to carry their Jagatguru Totad Swami of Pamidi Samsthan of Gadag in a cross palanquin with all insignia in the village of Thimmathalli in the District of Bellary and in other villages and towns in the Madras Presidency for which act of justice your memorialists are under a deep debt of gratitude

APPEAL No. 822 OF 1917 FROM APPELLATE DECREE.

In the District Court of Dharwar at Dharwar.

Exhibit 20.

CIVIL APPEAL No. 53 OF 1916.

Findings.

The issues remanded are Nos. 1, 2, 5, 6 and 8 of those framed by the lower Court. I think the lower Court's findings on these issues are correct.

Issue 1: To parade in a cross palanquin is not one of the natural uses to which public streets should be put. It cannnot by any possibility be said that every subject has this right by virtue of custom. The appellant's evidence in the lower Court was heard partly in November 1915 and partly in December 1916. There is a wide divergence between these two sets of witnesses. The majority of the first batch of witnesses testified that only the heads of ancient and big maths had the privilege. They distinctly averred that the heads of new maths had not the privilege. The last one to be examined was Shantapa (Exhibit 91). He differed from the others in alleging that any swami could be carried in a cross-palanquin. The appellant appears to have talked this matter over with his witnesses and come to the decision that it would serve his case better if his witnesses alleged that even a sweeper could ride in a cross palanquin if he liked. The second batch of witnesses were evidently tutored to support this theory, and some of them actually gave instances in which ordinary persons had so ridden. The one who went farthest was Rachapa (Exhibit 110) who says he saw two sweepers in a cross palanquin in Trichinopoly. He evidently felt on safe ground as the respondents were not likely to bring witnesses from Trichinopoly. I think this lot of witnesses are entitled to no credence whatever.

Issue 2:—I think the evidence of the first batch of witnesses and the evidence led for Defendant 1 conclusively shows that it is customary for Defendant 1 and other heads of ancient and superior maths to travel in a cross palanquin. The only other swamis mentioned by name who follow this custom are the heads of the Chittaldurg and Hubli Maths.

Issue 5:—It is clear from Exhibit 201 the judgment of the High Court in Special Appeal No. 277 of 1875 that the Appellant as Andanswami of Mundargi was the subordinate of Defendant 1. That finding was necessary for the decision of the dispute then between the parties and is binding upon the Appellant. I have also gone through the evidence led in this suit on that very point, evidence which has been carefully discussed in the lower Court's judgment and I find myself in entire agreement with the lower Court. The Andanswami of Dambal as he was styled the Appellant's Guru was the subordinate of the Totad-swami of Gadag and Dambal. The Appellant is the successor of the Andanswami who was evicted under the decision of the High Court to which I have just referred. The evidence shows that the Appellant's Guru after his eviction lived in the house of one Sadashivaya (Exhibit 98). After some years he got a new math built. Exhibit 127 shows that permission to build was given in 1883. Then in 1901 there was a

reconciliation between the Totadswami and the Andanswami. This is proved by Exhibits 143, 145, 140, 146, 147, 148. It is absurd for the Appellant's pleader to deny in the face of this evidence that his client is the one referred to as the Andanswami of Dambal. That is the title by which he was known although he did reside principally at Mundargi. This reconciliation in 1901 amounted in effect to a swearing of fealty or allegiance. It was the submission of a subordinate to his master. Some years later the Appellant seems to have repented himself of his submission. According to his own mukhtyar (Exhibit 32), he has been calling himself a jagadguru, thus putting himself on a level with his master, since the year 1912. He cannot tack on to his own habits those of his predecessor, because whatever parade the latter made in a cross palanquin was done as the Totadswami's subordinate and not in his own right. The Appellant sets up an independent right to advertise himself in this way. Giving the utmost credence to his witnesses, most of whom appeared to be capable of telling any lie, his own habit does not go back more than 25 years. During that period he is said to have ridden in a cross palanquin on certain dates in Shravan and during the last 8 or 9 years in Vaishakh also. He is said to have travelled in this manner on other unspecified occasions. I am emphatically of opinion that this kind of usage is not sufficient to establish a custom.

Issue 6 :—This issue does not appear to differ materially from issue 2.

Issue 8 :—The statements in paragraph 2 of the plaint that there is an ancient custom of the Plaintiff's math and that he is a jagadguru are obvious misstatements. The rest of that paragraph deals with matters which I have already discussed. The answer to the issue is: 'no'.

8th December 1919.

E. CLEMENTS.

District Judge.

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ಶ್ರೀಲಶ್ರೀಪ್ರಸನ್ನವೆಂಕಟೇಶಾಯನಮಃ ಶ್ರೀಗುರುಭ್ಯೋನಮಃ

ಸರ್ವಾಂತರ್ಯಾಮಿಯೇ ಅನಾದಿಅಕಲ್ಮಷವು ವಾಙ್ಮನಃ ಅತೀತವೇ ಘನವು ಜಗದುದಯಸ್ಥಿತಿಲಯಕಾರಣವು ಆಗಿರುವ ಪರಬ್ರಹ್ಮವಸ್ತುವಿನಲ್ಲಿ ಭಕ್ತಿಯುಳ್ಳ ಸಜ್ಜನರಿಗೆ ಸಂಸಾರಸಾಗರವನ್ನು ದಾಟಲು ಸಹಾಯಕವಾಗಿರುವ ಶ್ರೀಮದಾಚಾರ್ಯರ ಪರಂಪರೆಯಲ್ಲಿ ಜನಿಸಿ ಶ್ರೀಮದಾಚಾರ್ಯರ ಸಿದ್ಧಾಂತಗಳನ್ನು ಲೋಕಕ್ಕೆ ಪ್ರಚಾರಮಾಡಿ ಅನೇಕ ಜನರಿಗೆ ಮೋಕ್ಷಮಾರ್ಗವನ್ನು ತೋರಿಸಿದ ಪೂರ್ವಸೂರಿಗಳನ್ನು

ಧಾರವಾಡದ ಮೊಂಬರುಗಳಸಂಕ್ಷೇಪಚರಿತ್ರೆ

ಈ ವಿಷಯದಲ್ಲಿ ಮು॥ ರಾ॥ ದೊಡ್ಡಬ್ಯಾಗಲು ಹೋಡೀದಾದ್ರು ತಿರುಮಲಿ ಶ್ರೀರಂಗಾಚಾರ್ಯರವರು ಪ್ರಸಿದ್ಧಿಯಾಗಿರಬೇಕೆಂದು ಮು॥ ರಾ॥ ಉಚ್ಚಾಲಗೆರೆ ಇನಾಮುದಾರ್ ಶ್ರೀನಿವಾಸರಾಘವಾಚಾರ್ಯರು ಪ್ರಯೋಜನವಾಡಿದ್ದನ್ನು ಮು॥ ರಾ॥ ಧಾರವಾಡದ ಪುಂಡಿ ಕೃಷ್ಣಾಚಾರ್ಯರು ಅನುವಾದಿಸಿದರು.

ಈ ವಿಷಯದಲ್ಲಿ ನೇರವಾಗಿ ಸಹಾಯ ಮಾಡಿದವರಿಗೆ ಮತ್ತೆ ಮುಂದೆ ಮುಖತಃ ಧನ್ಯವಾದಗಳನ್ನು ಕೊಡುವವನಿದ್ದೇನೆ. ಬ್ಯಾಂಕು ಮೊಂಬರುಗಳ ಮೇಲೆ ಜಾರಿಯಾದ ನೋಟೀಸನ್ನೂ ಅನುಬಂಧ ಮತ್ತು ಡೈರೆಕ್ಟರುಗಳ ವಿವರಣೆಯನ್ನು ಬ್ಯಾಲನ್ಸ್‌ಷೀಟು ಬ್ಯಾಂಕು ರೂಲ್ಸನ್ನೂ ಸಹ ಕೊಡಲಾಗಿದೆ.

ವೆಂಕ್ಯಟ್ಟೇಶ್ವರ.

೧ ಈಗ ಇರತಕ್ಕ ಡೈರೆಕ್ಟರುಗಳು ರಿಟೈರಾಗತಕ್ಕದ್ದು.

೨ ಡೈರೆಕ್ಟರುಗಳ ಮೊಕರರೂಪಾತಿ

೧ ಮು॥ ರಾ॥ ದೊಡ್ಡಬ್ಯಾಗಲುಜೋಡಿದಾರಿತಿರುಮಲಿ ಶ್ರೀರಂಗಾಚಾರ್ಯರವರು.

೧ ಮು॥ ರಾ॥ ಉಚ್ಚಾಲಗೆರೆಇನಾಂದಾರ್ರು ಶ್ರೀನಿವಾಸರಾಘವಾಚಾರ್ಯರವರು.

೧ ಮು॥ ರಾ॥ ವಾಜಪೇಯಂ ಸುಂದರಾಚಾರ್ಯರವರು.

೧ ಮು॥ ರಾ॥ ಚಕ್ಕವರ್ತಿಗೋಪಾಲಾಚಾರ್ಯರವರು.

೧ ಮು॥ ರಾ॥ ಆನೆಂಡೂಪುಶ್ರೀನಿವಾಸಾಚಾರ್ಯರವರು.

೧ ಪು॥ ರಾ॥ ಫೋಗಸೆಂಜಪ್ಪನವರು.

ಇವರುಗಳು ಪ್ಲೈರೆಕ್ಟ್ರಾಗಿರಬೇಕೆಂದು ಮು॥ ರಾ॥ ಕೊಟ್ಟಿರುವ ಪ್ಪನವರು ಪ್ರಪ್ರೋಜುಮಾಡಿದ್ದನ್ನು ಸರ್ವರೂ ಅನುಮೋದಿಸಿದರು.

೭ ರೂಲ್ಸು ಬದಲಾವಣೆ ಮತ್ತು ವಿಶೇಷಾಜ್ಞೆಗಳು.

೧ ರೂಲ್ಸು ೧೫ನೇ ಸೆಕ್ಷನಲ್ಲಿ ಮುಂಬದಲಾ ಯಿಸಬೇಕಾಗಿದೆ. ೧೫ಕ್ಕೆ ೫೦ ರೂಪಾಯಿಯಂಬುವದನ್ನು ತೆಗ್ದು ೧೦೦ ರೂಪಾಯಿ ಎಂದೂನೂ ೫೦ಕ್ಕೆ ೫೦ ರೂಪಾಯಿ ಎಂಬುವದಕ್ಕೆ ಬದಲು ೧೦೦ ರೂಪಾಯಿ ಎಂದೂನೂ ೫೦ ರೂಪಾಯಿ ಎಂಬುವ ಸ್ಥಳದಲ್ಲಿ ೩೫ ೧೫ಕ್ಕೆ ೫೦ ರೂಪಾಯಿ ಎಂದೂ ಬದಲಿಸ ಬೇಕೆಂದು ಮು॥ ರಾ॥ ಮುತಾಗುರು ಪೀವಪ್ಪನವರು ಪ್ರಪ್ರೋ ಜುಮಾಡಿದ್ದನ್ನು ಸರ್ವರೂ ಅನುಮೋದಿಸಿದರು.

೨ ರೂಲ್ಸು ೩೫ನೇ ಸೆಕ್ಷನಲ್ಲಿ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಪಾಸ್ಆಗದವರಿಗೆ ಮತ್ತು ಆಡಿಟ್ಟರಿಗೆ ರುಸುಂ ಬಾಯಿಸುವ್ಯಾಗಿ ಸಬ್ಮಿಷಕ್ಕೆ ಹೆಂಬುವ ದಕ್ಕೆ ಬದಲಾಗಿ ಈಗನೋಡಿದಹಳ್ಳಿ ಮ್ಯಾನೇಜರ್ ಬಿದ್ದರಿಂಗ ಪುರಿನೇವರು ಆಡಿಟರ್ ಸುಬ್ಬಾಯರು ಬಾಯಿಸಾಲ್ಯಾಗಿ ಇಪ್ಪತ್ತು ಬಾಯಿಂ ರುಸುಂ ಪೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಮು॥ ರಾ॥ ಉಪ್ಪನಳ್ಳಿ ಪಾರಕುತ್ಯೇಗಾರ್ ಕೊಯಿಟ್ಟರಪ್ಪನವರು ಪ್ರಪ್ರೋಜುಮಾಡಿದ್ದ ನ್ನು ಸರ್ವರೂ ಅನುಮೋದಿಸಿದರು.

೩ ರೂಲ್ಸು ೩೩ನೇ ಸೆಕ್ಷನಲ್ಲಿ ಮ್ಯಾನೇಜರಿಗೆ ಪ್ಲೈರೆಕ್ಟ್ರರು ರಜಾ ಕೊಡಬೇಕೆಂದು ನಮೂದು ಆಗುವದಕ್ಕೆ ರಜಾ ಅವಶ್ಯಕವಿದ್ದ ಕಾಲದಲ್ಲಿ ತಮ್ಮ ಜವಾಬ್ದಾರೀಮೇರೆ ಮ್ಯಾನೇಜರಕೆಲಸಕ್ಕೆ ಹುಂದಕವಿಲ್ಲದೆ ತಮಗೆ ಇಷ್ಟಬಂದ ಪ್ಲೈರೆಕ್ಟ್ರರಿಗೆ ಭಾಜುಮಾ ಕೊಟ್ಟು ಪ್ಲೈರೆಕ್ಟ್ರರುಗಳಿಗೆ ರಿಪ್ರೋರ್ಟ್ಮಾಡಿ ರಜಾಪಮೇರೆ ಹೋಗಿ ಪಾಪಸು ಬಂದು ಭಾರ್ಜ್ಜಹಗೆದುಕೊಂಡದ್ದಕ್ಕೆ ರಿಪ್ರೋ ರ್ಟ್ಮಾಡಬೇಕೆಂದು ಮು॥ ರಾ॥ ಸುಬ್ಬಾಯರು ಪ್ರಪ್ರೋಜು ಮಾಡಿದ್ದನ್ನು ಸರ್ವರೂ ಅನುಮೋದಿಸಿದರು.

ಪ್ರಾಯಶ್ಚಿತ್ತವಿಧಾನವಿಲ್ಲ

ಈ ಪ್ರಾಣಿ ಎದುರಾಗಿ ಪ್ರತ್ಯಕ್ಷವಾಯಿತು ಮೇಲೆ ಹೇಳಿದ ಕ್ರಿಯೆಗಳು ಮಾತ್ರ ಬಾಕಿ ಉಳಿದ ದೋಷ-ಪಾಪ ಪ್ರೇಮಗಳನ್ನು ಈಡಾಗಿ ಅವಶ್ಯ ಎಂಬ ಮಾತು ಬಹುಮಾನ್ಯವಾದ ಪಕ್ಷ ಏನೆಂದರೆ ಮೊದಲಿನ ಪಾಪ ಪ್ರೇಮಗಳು ಹಾಗೂ ಮುಂದಿನ ಪಾಪ ಪ್ರೇಮಗಳನ್ನು ಸ್ವಲ್ಪವಾದರೂ ಪ್ರಾರಂಭಿಸಲು ಅವಕಾಶವಿಲ್ಲದೆ ಇರುವಂತೆ ಮಾಡಿ ಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಧ್ಯವಾಗುವುದು. ಆದರೆ ಈ ಪ್ರಾಣಿಯು ಸುಮಾರು ಹೊತ್ತಿನವರೆಗೆ ಕಣ್ಣಿಗೆ ಕಾಣಿಸಿಕೊಂಡು ಅನಂತರ ಮರೆಯಾಗಿ ಹೋಗುವುದು. ಆ ಪ್ರಾಣಿಯು ಕಣ್ಣಿಗೆ ಕಾಣಿಸಿಕೊಂಡಿರುವ ಸಮಯದಲ್ಲಿ ಅದರ ಮೇಲೆ ಮನಸ್ಸನ್ನು ಏಕಾಗ್ರಗೊಳಿಸಿ ಅದರ ಸ್ವರೂಪವನ್ನು ಚೆನ್ನಾಗಿ ತಿಳಿದುಕೊಳ್ಳಬೇಕು. ಆ ಪ್ರಾಣಿಯು ಮರೆಯಾಗಿ ಹೋದ ಮೇಲೆ ಅದರ ಸ್ವರೂಪವನ್ನು ಮನಸ್ಸಿನಲ್ಲಿ ಚೆನ್ನಾಗಿ ಚಿತ್ರಿಸಿ

ಶ್ರೀಮಚ್ಛ್ರೀಕೃಷ್ಣಬ್ರಹ್ಮಣ್ಯತೀರ್ಥಶ್ರೀಪಾದಂಗಳವರ ಪಟ್ಟಾಭಿಷೇಕ ಮಹೋತ್ಸವದಲ್ಲಿ

ಸಂಸ್ಥಾನದಲ್ಲಿ ಇದು ಒಂದು ವಿಶೇಷ ಸಂದರ್ಭವಾದುದರಿಂದ ಸಮಸ್ತ ಭಕ್ತಾದಿಗಳಿಗೂ ಸಂತೋಷವಾಗಿದೆ. ಈ ಮಹೋತ್ಸವಕ್ಕೆ ಎಂದಿನಂತೆ ಭಾಗವತ ಪಂಡಿತ ಸಮೂಹವು ಬಂದು ಸೇರಿದ್ದು ಮಾತ್ರವಲ್ಲದೆ ಸಂಸ್ಥಾನದ ಪರವಾಗಿ ಸಂಭಾವನೆಯನ್ನು ಕೊಟ್ಟು ಗೌರವಿಸಲಾಯಿತು.

ಮಾನ್ಯರಾದ ಶ್ರೀಮಂಗಳಾದೇವಿ ಎಂ. ಎ.

ಈ ವಿವಾಹಂಗಳಲ್ಲಿ ಮಾ॥ ರಾ॥ ದೊಡ್ಡಬ್ಬಾಗಲು ಬೋಳಿದಾಯ ತಿರುಮುಲೆ ಶ್ರೀರಂಗಾಚಾರ್ಯರವರು ಪ್ರಸೀದಂಪದಾಗಿ ಬರಲು ಜೊತೆಯಲ್ಲಿ ಮಾ॥ ರಾ॥ ವಿಷ್ಣುತಿಂಗಳಾಯರವರು ಪ್ರಸ್ಥಾನವು ಮಾಡಿದ್ದಕ್ಕೆ ಸಜ್ಜನರೂ ಅನುಮೋದಿಸಿದರು.

ಈ ವಿವಾಹಂಗಳು ಕೇವಲಾಕ್ಷರ್ಪಣಕ್ಕಾಗಿ ಮಾಡಲ್ಪಟ್ಟಿದ್ದರಿಂದ ಎಲ್ಲಾ ಬ್ರಾಹ್ಮಣಾಭಿಮಾನಿಗಳೂ ಬಂದು ಆಶೀರ್ವಾದವನ್ನು ಪಡೆದರು. ಅನಂತರ ಅನ್ನಸಂತರ್ಪಣೆ ಆಯಿತು. ಎಂದಿನಂತೆ ಭಾಗವತ ಪಂಡಿತ ಸಮೂಹ ಕಾರ್ಯಕ್ರಮ ಏರ್ಪಡಿಸಲಾಗಿತ್ತು. ಅನಂತರ ವಿವಾಹಂಗಳ ಪ್ರಾಸಾದಿಂಗ್ಸನ್ನು ಪ್ರೋಷಣಾಯಿತು.

ಮಂಬರುಗಳ ಬಿರಾದ ಕೇಳಿಕ್ಕೆಯನ್ನು ಸಭೆಯಾಕ್ಷರೆಯಿಂದ ತಿಳಿದು ನಂತರ ಸಭೆಯನ್ನು ವಿವಾಹಂಗಳ ಪ್ರೋಸೆಷಿಂಗ್ಸ್ ಬಗ್ಗೆ ಮಾಡುವುದೆಂದು ತಿಳಿಸಲಾಯಿತು.

ಈ ವಿವಾಹಂಗಳಲ್ಲಿ ಮಾ॥ ರಾ॥ ದೊಡ್ಡಬ್ಬಾಗಲು ಬೋಳಿದಾರ್ ತಿರುಮುಲೆ ಶ್ರೀರಂಗಾಚಾರ್ಯರವರು ಅಗ್ನಾಸನವನ್ನು ಹಾಕಿಸಿ ಕೆಲಸವನ್ನು ಜರಿಗಿಸಿದ್ದಕ್ಕಾಗಿ ಸರ್ವರೂ ಧನ್ಯವಾದಗಳನ್ನು ತಿಳಿಸಿದರು. ಮಾ॥ ರಾ॥ ಸ್ಪೆಷಲ್ ಆಫೀಸರ್ ಅವರು ಸಭೆಯ ಕಾರ್ಯಕ್ರಮವನ್ನು ನಡೆಸಿಕೊಟ್ಟರು.

ಚಿಬಳಿ ತಿರುಮುಲೆ ಶ್ರೀರಂಗಾಚಾರ್ಯರು ಎಂ.ಎ
ಗೌರವಾಧ್ಯಕ್ಷರಲ್ಲಿಂದ
ಪ್ರಸಿಡೆಂಟ್

ಶ್ರೀಲಕ್ಷ್ಮೀನರಸಿಂಹಸ್ವಾಮಿ (ಅಹೋಬಿಲೇಶ್ವರ)

ಸುಪ್ರಭಾತ.

ಸಕಲ ಲೋಕಗಳಲ್ಲಿ ಅತಿಶಯವಾದ ಪ್ರಸಿದ್ಧಿಯನ್ನು ಹೊಂದಿರುವ ಶ್ರೀಮದ್ವೇದಾಂತ ದೇಶಿಕ ಸ್ವಾಮಿಯವರಿಂದ ವಿರಚಿತವಾಗಿರುವ ಶ್ರೀಲಕ್ಷ್ಮೀನರಸಿಂಹ ಸುಪ್ರಭಾತವನ್ನು ಅಹೋಬಿಲ ಮಠದ ಪೂರ್ವಾಚಾರ್ಯರುಗಳ ಸಂಪ್ರದಾಯಾನುಸಾರವಾಗಿ ಅಹೋಬಿಲ ಕ್ಷೇತ್ರದಲ್ಲಿ ಪ್ರತಿದಿನ ಪ್ರಾತಃಕಾಲದಲ್ಲಿ ಶ್ರೀಲಕ್ಷ್ಮೀನರಸಿಂಹಸ್ವಾಮಿಯವರನ್ನು ಎಚ್ಚರಿಸುವ ಸಲುವಾಗಿ ಪಠಿಸಲ್ಪಡುವ ಪ್ರಕಾರವಾಗಿ ಮುದ್ರಿಸಲಾಗಿದೆ.

ಮಾಧುರಿಪ್ರೆಸ್, ದೊಡ್ಡಬಿದರಗಳ ಸಂರಕ್ಷಣೆ, ೧೯೨೬.

ಈ ಪುಸ್ತಕವನ್ನು ಮೈಸೂರು ಅಹೋಬಿಲ ಮಠಾಧಿಪತಿಗಳಾದ ಶ್ರೀಮದ್ವೇದಾಂತ ದೇಶಿಕ ಸ್ವಾಮಿಯವರಿಂದ ಸ್ವೀಕರಿಸಿ ಮುದ್ರಿಸಿಕೊಡಲು ಮಾ|| ಶೇಷಾದ್ರಿ ಅಯ್ಯಂಗಾರ್ಯರವರು ಪ್ರಾರ್ಥಿಸಿದ್ದರಿಂದ ಮಾ|| ಶೇಷಾದ್ರಿ ಅಯ್ಯಂಗಾರ್ಯರವರ ಮಗಳಾದ ಚಿ|| ಲಕ್ಷ್ಮಿಯವರ ಕಲ್ಯಾಣದ ಸಂದರ್ಭದಲ್ಲಿ ಮಾ|| ಶೇಷಾದ್ರಿ ಅಯ್ಯಂಗಾರ್ಯರವರು ಉಚಿತವಾಗಿ ವಿತರಿಸಲೆಂದು ಸುಮಾರು ನೂರಕ್ಕೆ ಮೇಲ್ಪಟ್ಟು ಪುಸ್ತಕಗಳನ್ನು ಮುದ್ರಿಸಿಕೊಟ್ಟಿದೆ.

ಈ ಪುಸ್ತಕವನ್ನು ಮುದ್ರಿಸುವಲ್ಲಿ ಸಹಾಯ ಮಾಡಿದವರಲ್ಲಿ ಮುಖ್ಯವಾಗಿ ಶ್ರೀಮಾನ್ ಎಂ. ಸಂಪತ್ ಅಯ್ಯಂಗಾರ್ ಬಿ.ಎ.ಬಿ.ಎಲ್. ಮೈಸೂರುಗಳವರಿಗೆ ನಾವು ವಿಶೇಷವಾದ ಕೃತಜ್ಞತೆಗಳನ್ನು ಸಲ್ಲಿಸಿಕೊಳ್ಳುತ್ತೇವೆ.

ಸರ್ವ ಜಗತ್ಪ್ರಸಿದ್ಧವಾದ ಶ್ರೀಮದ್ವೇದಾಂತ ದೇಶಿಕ ಸ್ವಾಮಿಯವರು ಶಾಲಿವಾಹನ ಶಕ ೧೬ನೇ ಶತಮಾನದಲ್ಲಿ ಕಾಂಚೀಪುರದಲ್ಲಿ ಅವತರಿಸಿ ಅಲ್ಲಿಯೇ ಪರಮಪದಪ್ರಾಪ್ತರಾದವರೆಂದು ಅಗ್ರಹಾರ ಶ್ರೀನಿವಾಸಾಚಾರ್ಯರವರು ಬರೆದಿರುವ ಮಾ|| ಶ್ರೀ ವೆಂಕಟೇಶ್ವರ ಮಹಾತ್ಮ್ಯೆಯಲ್ಲಿ ಸೂಚಿಸಿರುತ್ತಾರೆ.

ಗುಮಾಸ್ತರುಗಳು ಮನೆಯನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳುವಿಕೆಗಾಗಿ ಜಾಹೀರಾತಿನಲ್ಲಿ ಕೊಟ್ಟಿರುವ ಸ್ಥಳಕ್ಕೆ ಹೋಗಿ ನೋಡಿದರು. ಅಲ್ಲಿ ಅವರಿಗೆ ಕಂಡದ್ದು ಏನು?

ಮಾಲಿಕನ್ನು ಮನೆ ಬಾಗಿಲಲ್ಲಿ ನಿಂತಿದ್ದ. ಗುಮಾ.

ಈ ಮನೆಯವರಿಗೆ ಮನೆ ಬಾಡಿಗೆಯನ್ನು ಅಲ್ಲಿಗೆ ಹೋಗಿ ಕೊಡಬೇಕಾಗಿತ್ತೆಂದೂ ಮನೆಯವರು ಬಾಡಿಗೆಯನ್ನು ಮನೆ ಬಾಗಿಲಿಗೆ ಬಂದು ತೆಗೆದುಕೊಂಡು ಹೋಗುವುದಿಲ್ಲವೆಂದೂ ಮನೆಯವರು ಬೇರೆ ಮನೆಗೆ ಹೋಗುವಾಗ ಮನೆಯ ಬಾಡಿಗೆಯನ್ನು ಮನೆ ಬಾಗಿಲಿಗೆ ಬಂದು ತೆಗೆದುಕೊಂಡು ಹೋಗುವರೆಂದೂ ಮನೆಯವರು ಹೇಳಿದರು. ಮನೆಯವರು ಹಾಗೆ ಹೇಳಿರುವುದು ನಿಜವಾಗಿದ್ದರೆ ಅವರು ಮನೆಯನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳಲಿಲ್ಲವೆಂದು ಹೇಳಬಹುದು.

ಈ ವಿಷಯವಾಗಿ ಗುಮಾಸ್ತರುಗಳು ಮಾಲಿಕನಿಗೆ ಬರೆದಿರುವ ಕಾಗದವನ್ನು ಬೊಂಬಾಯಿಯ ವ್ಯಾಪಾರಿಗಳ ಮೇಲೆ ಜಾರಿಯಾಗಿರುವ ನೋಟೀಸನ್ನು ಓದಿರಿ.

ಕಾಗದಗಳು.

೧ ಚಾಮುಂಡಪ್ಪ ಶ್ರೀನಿವಾಸ್ ಬ್ಯಾಂಕ್ (ಲಿಮಿಟೆಡ್) ಸೊಂಡೂರು. ಎಂದು ಹೆಸರಾಗಿರುವ ನಮ್ಮ ಬ್ಯಾಂಕಿನಲ್ಲಿ ನಿಮ್ಮ ಖಾತೆಯಲ್ಲಿ ಇರುವ ಜಾಯಿಂಟು ಸ್ಟಾಕ್ ಕಂಪನಿ ರಿಜಿಸ್ಟ್ರೇಷನ್ ಕಾಯಿದೆ ಅನ್ವಯ ಆಫೀಸಿನಲ್ಲಿ ೧೪೬೬ನೇ ಇ ನಮ್ಮ ಬ್ಯಾಂಕೇ ನಂಬಿಕೊಂಡಿರುವ ಕೆಲವು ಗಿರಾಕಿಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ರಿಜಿಸ್ಟ್ರೇಷನ್ ಕಾಯಿದೆಯ ೧೪೬೬ನೇ ಇನವಿಲಕೊಟ್ಟಿರುವ ಹಾಗೆ ಇಲ್ಲಿಂದ ಹೊರಡಿಸಿರುವ ಜಾರಿಯನ್ನು ತಿರಸ್ಕರಿಸಿದ್ದೇವೆ. ಒಪ್ಪಿದವರು.

೨ ಈ ಬ್ಯಾಂಕಿನ ಮುಖ್ಯಾಧಿಕಾರಿಯಾದ ಶ್ರೀಕೃಷ್ಣದಾಸ್ (ಶ್ರೀ.ದಾ.) ರುಪಾಯಿಗಳು ಪ್ರೈವೇಟ್ ಆಗಿಯೂ ಬಾಗಿ ಅಕ್ಷರ (ಎಂಗ) ಮತ್ತು ಮೊಗಳುಳ್ಳ (ಗ್ಯಾಕ್ಷರ) ಭಾಗಗಳಾಗಿಯೂ ಭಾಗಿಸಲ್ಪಟ್ಟಿವೆ. ಪ್ರತಿಕೃತಿಯಲ್ಲಿ ಬೇಳೆಯಲ್ಲಿ ಈ ಮುಂದಿನ ಸಹಿಯನ್ನು ಜಾಗ್ರತೆಯಾಗಿ ಪರೀಕ್ಷಿಸಿರಿ.

ಒಪ್ಪಿದವರು.

೩ ಸ್ಥಿರಾಸ್ತಿಗಳ ಮಾರಾಟ, ಅಡಮಾನ, ಗುತ್ತಿಗೆ ಮತ್ತು ವಿನಿಮಯ ಮಾಡಲು ಅಧಿಕಾರ.

೪ ಸಂಸ್ಥೆಯ ಹೆಸರಿನಲ್ಲಿ ಸ್ಥಿರಾಸ್ತಿಗಳನ್ನು ಮಾರಾಟ ಮಾಡಲು, ಅಡಮಾನ ಮಾಡಲು, ಗುತ್ತಿಗೆಗೆ ಕೊಡಲು ಅಥವಾ ವಿನಿಮಯ ಮಾಡಲು ಅಥವಾ ಅವುಗಳಲ್ಲಿ ಯಾವುದೇ ಹಕ್ಕುಗಳನ್ನು ಅಥವಾ ಬಡ್ಡಿಗಳನ್ನು ಸೃಷ್ಟಿಸಲು ಅಥವಾ ಅವುಗಳನ್ನು ಬಿಟ್ಟುಕೊ

ಮದ್ದು. ನೋಟುಬ್ಬಂದಾಯಿಂಬಾವಳಗಾಗಿ ಮುಖಾಗ ಬಾಯಿಬಿಡಿಸುವಂತೆ ಜೇಬಿಯಿದ್ದಲ್ಲಿ ಬಾಯಿಬಿಡಿಸುವಂತೆ ಹೊಲಿಯುವುದನ್ನು ಜ್ಞಾಪಕದಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವುದು ಬಾಕಿಯಿರುವುಗಳನ್ನು ವೈದ್ಯಬ್ಬರುಗಳು ಪರೀಕ್ಷಿಸಿ ಅವುಗಳಲ್ಲಿರುವಬ್ಬರಿಗೆ ಮಾತ್ರ ಕೊಡಬೇಕಾಗಿರುವುದಾಗಿ ಬರೆದು ಮುಚ್ಚಿಂಡು ಬಿಡಿಸಿದವರಿಗೆ ಸಿಗುವಂತೆ ಮಾಡುವುದು. ಅವರೆಲ್ಲಾ ಸ್ತ್ರೀಯರುಗಳು (೪)ಕ್ಷೀರುಗಳಾಗಿರುವ ಕಾರಣ ಬಿಡಿಸಿಕೊಳ್ಳಲಾಗುವುದು. ಬಾಗಿ (೪) ಕ್ಷೀರುಗಳಿಗೂ ಪ್ರತಿಯಬ್ಬರಿಗೂ ಬಿಡಿಸಿದವಸ್ತ್ರ ಮೊಬಲಗನ್ನು (೩೬) ಮೂಗಳುವಾಯಿದಾಗಲಿ ಅಥವಾ ಅಂಥಾ ಪ್ರಯತ್ನವಿದ್ದಾಗಲಿ ಮೊಬ್ಬರಿಗೂ (೬) ತಿಂಗಳವನಿಗೂ ಬಿಡಿಸಿದವರ್ಗಾಗಿ ಮುಚ್ಚಿಕೊಳ್ಳಲಾಗುವುದು ಅವರಿಗೆ ಮಾಪಸು ಕೊಡಲಿಕ್ಕಿಲ್ಲ. ಬಬ್ಬರದು.

ಈ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಕ್ಷೀರಿಮಾನರು ತಮ್ಮ ಕ್ಷೀರುಗಳನ್ನು ಪರೀಕ್ಷಣ ಮಾಡಬೇಬಾದರೆ ಬ್ಯಾಂಕಿಗೆ ಕ್ಷೀರು (೧) ಕ್ಕೆ (೬) ಆಣೆ ಕೀಲೊಡವನೆ ಸರ್ ಬಿಲ್ಟಿಟುಕ್ಕೆ ಬಿಸಿಲು ಬಂದು ಸುಬಾರು ಬಾರಿಬಿಡುವಷ್ಟಕ್ಕೆ ನೀರಿನ ಚಕ್ಕೆಗೆ ಅನುಸಾರವಾಗಿಲಿ ಸ್ಥಳಾಭಾವಕ್ಕಾಗಿಲ್ಲಿ ಬ್ಯಾಂಕಿನವರ ಅನುಮತಿಯಿಂದ ಯಾರಿಗಾದರೂ ಪರೀಕ್ಷಣ ಮಾಡಿಸಬಹುದು. ಬಾಗಿನಲ್ಲಿ ಫಲವಿಗೆ ಪರೀಕ್ಷಣ ಮಾಡುವವಸ್ತ್ರ ಅನುಭವವಿಲ್ಲವೆಂದು ಬ್ಯಾಂಕಿನಲ್ಲಿನ ತಮ್ಮುಬೇರುಗಳನ್ನು ಪರಿಂಬಿಬಿಡತಕ್ಕದ್ದು. ಬ್ಯಾಂಕಿನವರು ಅಂಥಾಬರಿಂದ ಆಚಿಗೆ ಗ್ರಹಾಯಿಸಿಕೊಳ್ಳಲು ಬೇಗಬೇಕೆಂದು ಬ್ಯಾಂಕಿನ ಮುಖ್ಯಿಕವ ಕ್ಲಾರ್ಕ್ಸ್‌ಲಲ್ಲಿ ನಿಂದಿಸಿದರೆ ಕ್ಷೀರುಗಳಾಗಿರಬೇಂದು ಬಿ ಚೀಟಿ ಬರೆದು ಅವರ ಕ್ಷೀರಿಮೋಬಲಗನ್ನು (೨) ತಿಂಗಳೊಳಗಾಗಿ ಅವರಿಗೆ ಕೊಡಿಸತಕ್ಕದ್ದು. ಈ ಪ್ರಕಾರ ಬ್ಯಾಂಕಿಗೆ ತಗಲುವ ಸ್ಟಬ್ ಪೇಪರುಗಳನ್ನು ಬ್ಯಾಂಕಿನವರೇ (೨) ಆಫ್ಟರ್‌ನಲ್ಲಿ ಪಾಲು ಮಾಡಿಕೊಳ್ಳತಕ್ಕದ್ದು. ಸಂಪತ್ತು ಮುಂತಾದವರು ಸದರೀಕ್ಷೇದುಗಳನ್ನು ಅಪೇಕ್ಷಿಸಿದರೆ ಹೊಸದಾಗಿ ಪ್ರೀರಿಂಗದುಕೊಳ್ಳುವರಂತೆ ಅವ್ರಿಗೆ ಪರೀಕ್ಷಣ ಸರ್ಟಿಫಿಕೇಟುಗಳನ್ನು ಹೊಸ್ತಾಗಿ ಮಾಡಿಕೊಡಲಿಕ್ಕಿಲ್ಲ. ಮುಂದಾದ್ದನ್ನು ಹೊಸ್ತಾಗಿ ಮಾಡಿಕೊಡಲಿಕ್ಕಿಲ್ಲ. ಪುನಃ ಆಫ್ಟರ್‌ನಲ್ಲಿ (೨) ಆಫ್ಟರ್‌ನಲ್ಲಿ ಬ್ಯಾಂಕಿನ ವಜನ

ಗೆ ಮುದ್ರಿಸಿ ಕೊಡಿಸಲಾಗುವುದು. ಚೆಕ್ಕುಪುಸ್ತಕವನ್ನು ಪಡೆದುಕೊಂಡ ಬಳಿಕ ಖಾತೆದಾರರು ಚೆಕ್ಕುಗಳನ್ನು ಬರೆಯುವಾಗ ಅವುಗಳಲ್ಲಿ ಕೇಳಿರುವ ಮಾಹಿತಿಯನ್ನು ಸರಿಯಾಗಿ ಭರ್ತಿ ಮಾಡಬೇಕಾಗಿರುತ್ತದೆ. ಯಾವುದೇ ಕಾರಣಕ್ಕಾಗಿಯಾದರೂ ಚೆಕ್ಕುಪುಸ್ತಕವು ಕಳೆದುಹೋದಲ್ಲಿ, ಅಥವಾ ಬೇರೆಯವರ ಪಾಲಾಗಿದೆಯೆಂದು ಅನುಮಾನವಿದ್ದಲ್ಲಿ ಅಂತಾಜಿಲ್ಲೆದಾರರು ಆ ವಿಷಯವನ್ನು ಕೂಡಲೇ ಬ್ಯಾಂಕಿನ ಗಮನಕ್ಕೆ ತರಬೇಕಾಗಿರುತ್ತದೆ. ಹೀಗೆ ಮಾಡಲು ವಿಫಲರಾದಲ್ಲಿ ಅಂತಹ ಚೆಕ್ಕುಪುಸ್ತಕದಿಂದ ಪಡೆಯಲಾದ ಚೆಕ್ಕುಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಬ್ಯಾಂಕಿನ ಯಾವುದೇ ಜವಾಬ್ದಾರಿಯೂ ಇರುವುದಿಲ್ಲ. ಚೆಕ್ಕುಪುಸ್ತಕವನ್ನು ಖಾತೆದಾರರಿಗೆ ಮಾತ್ರ ಕೊಡಲಾಗುವುದು. ಅವರು ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಲ್ಲಿ ಬೇರೆಯವರಿಗೆ ಚೆಕ್ಕುಪುಸ್ತಕವನ್ನು ಕೊಡಲಾಗುವುದು. ಚೆಕ್ಕುಪುಸ್ತಕವನ್ನು ಪಡೆದುಕೊಂಡ ಬಳಿಕ ಖಾತೆದಾರರು ಅದರಲ್ಲಿರುವ ಚೆಕ್ಕುಗಳನ್ನು ಬಳಸಲು ಪ್ರಾರಂಭಿಸುವ ಮುಂಚೆ ಅವುಗಳಲ್ಲಿ ಕೇಳಿರುವ ಮಾಹಿತಿಯನ್ನು ಸರಿಯಾಗಿ ಭರ್ತಿ ಮಾಡಿರುವುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಳ್ಳಬೇಕಾಗಿರುತ್ತದೆ. ಒಪ್ಪುವರೇ.

೬ ಈ ಖಾತೆಯಿಂದ ಚೆಕ್ಕುಗಳನ್ನು ಪ್ರಿಂಟ್ ಮಾಡಿಸುವುದು ಖಾತೆದಾರರ ವೈಯಕ್ತಿಕ ಜವಾಬ್ದಾರಿಯಾಗಿರುತ್ತದೆ. ಬ್ಯಾಂಕಿನವರಿಗೆ ಸರಿಯಾದ ಮಾಹಿತಿಯಾಗಲಿ ಅಥವಾ ಚೆಕ್ಕುಪುಸ್ತಕವನ್ನು ಪ್ರಿಂಟ್ ಮಾಡಿಸಿದ ಪ್ರಿಂಟರ್ ಅವರ ಹೆಸರಾಗಲಿ ಕೊಡಲಾಗುವುದಿಲ್ಲ. ಚೆಕ್ಕುಪುಸ್ತಕವನ್ನು ಪ್ರಿಂಟ್ ಮಾಡಿಸಿದ ಪ್ರಿಂಟರ್ ಅವರ ಹೆಸರಾಗಲಿ ಅಥವಾ

ಯುಂಷ್ಯಾಡಬಾಂಬುಗಳಿಲ್ಲ. ಬಾಗಿಲನಿಗೆಯಾಚಿಲ್ಲ ಪೆಟ್ಟಿಗೆಯ
ವಪಕಲ್ಲ ಪುಸ್ತಾಲ್ಲಿಯ ಅಲ್ಮಾರಿಯಲಿಯಾಯಿಯಾಲ್ಲಿ ಪಾಪುದುಲ್ಲ
ಜಾಡಿಪೆ (೧೬೦) ಲುಮೊಂಬಿಗಳಿಗೆ ಬಿಪಾಯಿಲ್ಲ ಬಾಲ್ಲಿಪೆ ಬಿ ಪಾ ಲಿಲಿಗಳ
ಳಿಗಾಗಿಯೂ (೧೬೦) ಲುಮಾಲಿಗಳಿಗಾಗಿ ಪಿಪಾಲಿಪೆಲ್ಲಿ ಸ್ಟೀರ್ (೪)ಪಾ
ರಗಳಿಲಾಳಗಾಗಿರಿದಾ ಅಪಾಲ್ಲಿ ಬಾಲ್ಲಿಪೆಲ್ಲಿಪೆಲ್ಲಿಲ್ಲಿ(೧)ತಿಂಗಳ
ಪಾಪಿಮಾಪಳಿಗಾಗಿಯೂ ಬಿಪಿಲಿಪೆಲಾಲಿಲ ಬಿಲ್ಲಿಪೆಲಿಲಿ ಪಾಲಿಪಲಿ
ಪಾ ಯಿಂಷ್ಯಾಡಬಾಂಬುಗಳಿಲ್ಲಿಪಲಿಗಿಯಾಲ್ಲಿ ಬಾಲಿಲಿ ಪುಸ್ತಾಲ್ಲಿಪೆ
ಪೆಲ್ಲಿಲಿಪೆ ಪುಲಿ ಪಿಲ್ಲಾಲಿ ಬಿಲಿಲಿಲಿಲಿಲಿಪೆಲಿಪೆಲ್ಲಿ. ಬಿ
ಧ್ಯಕಾಲದಲ್ಲಿ ಅಪೇಕ್ಷಿಸಿದ (ಸೌಖ್ಯ) ಬಿಪಾಲಿಪಾಲಿಲಿಗೆ ಪೀ
ಲ್ಲಿಂಡಲೆಲಿಪೆಲ್ಲಿಕ ಬಾಗುಲಿ ಅಪೇಕ್ಷಿಸಿದ ಪಾಪಿಲಿಲ್ಲಿ ಲ್ಲಿಲಾಲಿಲ್ಲಿ
ಪೀಲಿಪೆ ಪೂಲಿಲ್ಲಿಪೆಲಿಲಿ. ಲಿಲಿಲಿಪೆಲಿಪಾಪಿಪಾಲಿಲಿ (೮೦) ಪಿನ
ಸಗುಳಾಗಿ ಪಾಪಿಲಿ ಅಪೇಕ್ಷಿಸಿಲ್ಲಿ ಪಿಲ್ಲಿಪೆಲ್ಲಿಪೆ ಲಿಪಾಲಿಲಿ
ಪೆಪಿಪಗಿಪಿಪೆಲ್ಲಿ ಪಾಲಿಪಲಿಪೆಲಿಪೆಲ್ಲಿಪೆಲ್ಲಿ. ಪಿಲ್ಲಿಪೆಲಿ.

೧೧ "ಲಿಂತುಲ್ಲಿಪಾಪೆಲಿಪೆ" (೧೧) ಲಿಲಿಗಾಲಿಲಿಲಿಪೆಪಾಪಿಪೆಗೆ ಪಾ
ಪೆಲಿಜಾಲಿಲಿಂಪೆಲಿಪೆ (೧,೧೦೦) ಲುಪಾಲಿಲಿಗಳಿಲಿಗೆ ಲಿಲಿಪಿಪೆ
ಪು. ಜಾಲಿಲಿಪಿಪಾಪಲಿ ಲಿಗಿಪುಲಿಲಿಲ್ಲಿಪೆಲ್ಲಿ ಪಿಲಿಲಿಗಳಿಲ್ಲಿ ಲಿ
ಪಿಲ್ಲಿಭಾಗಗಳಲ್ಲಿ ಪಾಪಲಿಲಿಪಾಪಪಿಲಿಲಿಪೆಲಿ ಅಪೇಕ್ಷಿಸಿಪಿಪಾಲಿಲಿಪೆ
ಅಪ್ಪಟಿಲಿಗಳಲ್ಲಿ ಪಿಪಿಪಾಗಿಪಪೆಲ್ಲಿ ಪ್ರಲಿಪಿಲಿಗಳಿ ಪಿಲ್ಲಿಪೆ ಪಾ
ರಿಲಿಪಿಗ ಪಿಲಿಲಿಯಾಗಿ ಪಾಪಿಪಲಿಲಿಪಿಪಾಪಪೆಲ್ಲಿಪೆ. ಲಿಪಿಪೆಲ್ಲಿ (೧೧೦) ಲಿ
ಪಾಲಿಲಿಗಳಿಗೆ ಲಿಂಗಳಿಲಿ ಪಿಪಪೆಲ್ಲಿ (೧) ಲಿಪಾಲಿಪಪೆಲಿಲಿಲಿಗೂ, ಪಾ
ಲಿಲಿಪಾಪಾರಿಲಿಲಿ ಪಿಲ್ಲಿಪಪೆ ಲಿಪಾರಿಲಿಲಿಲಿಪಾಗಾಲಿಲಿ ಪಾಪಪಿಲಿಪೆಪಾ
ರಿಲಿಪಿಗ ಪರಿಲಿಗೆ (೧೦೦) ಲುಪಾಲಿಗಳಿಗೆ ಲಿಂಗಳಿ(೧)ಲ್ಲಿ ಪಿಲಿ
ರೂಪಾಲಿ ಎಲಿಲಿ ಪಾಪಾಲಿಲಿಗೆ ಪಿಲಿಲಿಲ್ಲಿಪಿಲಿಲಿಪೆಲ್ಲಿ ಲಿಗಿಲಿಲಿಲಿಪೆಲ್ಲಿ
ದ್ದಿ ಬ್ಯಾಂಕಿಗೆ ಲಿಂಪಿಲಿಲಿಪೆಪಪೆಲ್ಲಿಪಿಲಿ ಪಾಪ್ಪಿ ಲಿಲಿಪಿಪೆಲಿಪಾಪ
ಲಿಂಪಿಲಿಪೆಲಿಲಿಗಿಂಪೆ ಲಿಲ್ಲಿಲ್ಲಿಲಿಪಾಲಿಲಿಲಿಪೆಲ್ಲಿ ಲಿಪಿಲಿಲಿಲಿಗಳಿಲ್ಲಿ
ಬ್ಯಾಂಕಿನಲ್ಲಿ ಪಿಲ್ಲಿಪೆಲಿಪಿಪಾಪಪಿಲಿಲ್ಲಿ ಪಿಲಿಲ್ಲಿಲಿಲಿಪಾಲಿ ಅಲಿಲಿ ಪಾ

ಅಧಿಕಾರಿಯು ನಿರ್ಣಯಿಸಿದ್ದಾಗ ಅಂತಹ ಪಾಸ್ಪೋರ್ಟ್ ಕಛೇರಿಯಲ್ಲಿ ಪಾಸ್ಪೋರ್ಟ್ ಕೊಡತಕ್ಕದ್ದು.

ಒಪ್ಪಿದರು.

೧೫ "ಪಾಸ್ಪೋರ್ಟ್ ಅಧಿನಿಯಮ" ದಡಿಯ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಪಾಸ್ಪೋರ್ಟ್ ಅಧಿಕಾರಿಗಳಿಗೆ ಪಾಸ್ಪೋರ್ಟ್ ಅಧಿಕಾರಿಗಳ (ಅಧಿಕಾರ) ನಿಯಮಾವಳಿಗಳಿಗೆ ಬದ್ಧವಾಗಿ ಕೆಲಸಮಾಡುವುದು ಮತ್ತು ಅಧಿನಿಯಮದ ಮತ್ತು ಅದರ ಮೇಲಿನ ನಿಯಮಾವಳಿಗಳ ಪಾಲನೆಯ ಬಗ್ಗೆ ಅಧಿಕಾರಿಗಳಿಗೆ ಸಹಾಯಮಾಡುವುದು ಮತ್ತು ಪಾಸ್ಪೋರ್ಟ್ ಅಧಿಕಾರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಹಾಗೆ ಅಧಿಕಾರಿಗಳಿಗೆ ಕೆಲಸ

ಸಮಿತಿಯಾದ ಸ್ಥಳೀಯ ಬ್ಯಾಂಕಿನ ಸದಸ್ಯರನ್ನು ಪ್ರತಿನಿಧಿಯ ನಿಯಮಾವಳಿಗಳಿಗೆ ಅನುಗುಣವಾಗಿ ಆಯ್ಕೆಮಾಡಲಾಗುವುದು. ಈ ಸಮಿತಿಯ ಸದಸ್ಯರು ಸಾಲಗಾರರ ಆಯ್ಕೆಯಲ್ಲಿ ಮತ್ತು ಸಾಲ ಮಂಜೂರಾತಿಯಲ್ಲಿ ಸಹಾಯಮಾಡುವುದಲ್ಲದೆ ಸಾಲಗಾರರು ಸಾಲವನ್ನು ಸರಿಯಾಗಿ ಉಪಯೋಗಿಸುತ್ತಿರುವರೆಂಬುದನ್ನು ಪರಿಶೀಲಿಸುವರು. ಸಾಲಗಾರರು ಸಾಲವನ್ನು ಸರಿಯಾಗಿ ಉಪಯೋಗಿಸುತ್ತಿರುವರೆಂಬುದನ್ನು ಪರಿಶೀಲಿಸುವರು. ಸಾಲಗಾರರು ಸಾಲವನ್ನು ಸರಿಯಾಗಿ ಉಪಯೋಗಿಸುತ್ತಿರುವರೆಂಬುದನ್ನು ಪರಿಶೀಲಿಸುವರು.

೧೩ ಸಾಲಗಾರರು ಸಾಲವನ್ನು ಸರಿಯಾಗಿ ಉಪಯೋಗಿಸುತ್ತಿರುವರೆಂಬುದನ್ನು ಪರಿಶೀಲಿಸುವರು.

ಮಾಡಿಕೊಂಡಿದ್ದು ಅದನ್ನು ಬ್ಯಾಂಕಿನ ಪೂರ್ಣಾವಧಿ ಸಿಬ್ಬಂದಿಯವರು ಮಾತ್ರ ನಿರ್ವಹಿಸುವಂತೆ ಮಾಡಿರುವುದು ಸರಿಯಾಗಿದೆಯೆ ಎಂಬುದನ್ನು ಪರಿಶೀಲಿಸಿ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿದೆ. ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಮಂಡಳಿ

೨೧ ಈ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಸೈಲೆಕ್ಟ್ರಮಗಳು ಜಾರಿಗೆ ಬಂದಾಗಿನಿಂದಲೂ ಪ್ರತಿ ವರ್ಷ ಸಂಸ್ಥೆಯ ಲಾಭಾಂಶವನ್ನು ಹಂಚಿಕೆ ಮಾಡಿರುವುದಿಲ್ಲವೆಂದು ಕಂಡುಬರುತ್ತದೆ. ಸಂಸ್ಥೆಯ ಲಾಭಾಂಶವನ್ನು ಹಂಚಿಕೆ ಮಾಡದಿರುವುದಕ್ಕೆ ಕಾರಣಗಳೇನೆಂಬುದನ್ನು ಸಂಸ್ಥೆಯ ಸದಸ್ಯರುಗಳಿಗೆ ತಿಳಿಸಿಕೊಡಬೇಕಾಗಿದೆ. ಸಂಸ್ಥೆಯ ಲಾಭಾಂಶವನ್ನು ಹಂಚಿಕೆ ಮಾಡಲು ಸಾಧ್ಯವಿಲ್ಲದಿದ್ದಲ್ಲಿ ಸಂಸ್ಥೆಯ ಸದಸ್ಯರುಗಳು ಸಂಸ್ಥೆಯಲ್ಲಿ ಷೇರುಗಳನ್ನು ಹೊಂದಿರುವುದರಿಂದ ಯಾವ ಪ್ರಯೋಜನವಾಗುತ್ತದೆ ಎಂಬುದನ್ನು ಸಹ ತಿಳಿಸಿಕೊಡಬೇಕಾಗಿದೆ. ಸಿಬ್ಬಂದಿ

೨೨ ಈ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಯಾವ ವಿಧವಾದ ಪ್ರಾಸಂಗಿಕ ಖರ್ಚುಗಳನ್ನು ಸೈಲೆಕ್ಟ್ರಮಗಳು ಒಪ್ಪಿಕೊಂಡಿದೆಯೋ ತಿಳಿಸಿರುವುದಿಲ್ಲ. ಸಿಬ್ಬಂದಿ

೨೩ ಈ ಬ್ಯಾಂಕಿನ ಪ್ರಾಥಮಿಕ ವೆಚ್ಚಗಳು (೫೦) ಷೇರು ಬಾಬ್ತಾಗಿರುವುದೇಕೆ? (೨೦) ಪಿಕ್ಚಿನಿಟಿಗಳಿಗಾಗಿ ಭಾಗಶಃ ಆಗಿರುವುದೇಕೆ? (೨೦) ಪ್ರಾಥಮಿಕ ವೆಚ್ಚಗಳು ಸಂಪೂರ್ಣವಾಗಿ ಷೇರು ಬಾಬ್ತಾಗಿರಬೇಕಾಗಿತ್ತು. ಸೈಲೆಕ್ಟ್ರಮಗಳು(೨೦)ಪಿಕ್ಚಿನಿಟಿಗಳಿಗಾಗಿ ಭಾಗಶಃ ಹಣವನ್ನು ಬಳಸಿರುವುದು ಸರಿಯಲ್ಲ. ಸಿಬ್ಬಂದಿ.

೨೪ ಈ ಬ್ಯಾಂಕಿಗೆ ಬರತಕ್ಕ ವಿವಿಧ ಕಾಗದಪತ್ರಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಸೈಲೆಕ್ಟ್ರಮಗಳಿಗೆ ಸಿಪ್ರೋಟ್ರೋನಮಾಡಿ ಅವರ ಅಧ್ಯಕ್ಷರನ್ನು ಮುಖಾಮುಖಿ ಮೈನಾರಿಟಿನೋಡಿ ಜಾರಿಯಲ್ಲಿ ತರಬೇಕು. ಆದಾಯವನ್ನು ಉಪಯೋಗಿಸಿಕೊಳ್ಳಬಹುದಾದ್ದಕ್ಕೆ ಸೈಲೆಕ್ಟ್ರಮಗಳು ಪೂರಕವಾದ ನಿರ್ಣಯವನ್ನು ಆಡಳಿತಗಳಿಗೆ ಪ್ರಮಾಣಿಸಿಲ್ಲ ಪರಿಶೀಲಿಸಬೇಕಾಗಿದೆ. ವಿವರವುಳ್ಳಂತಹ ಪ್ರಮಾಣಪತ್ರವನ್ನು ಪಡೆದುಕೊಂಡಿಲ್ಲ. ಸಿಬ್ಬಂದಿ.

೨೫ ಈ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಭಾಗಶಃ(೫೦) ರೂಪಾಯಿಗಳ ಪ್ರಾಥಮಿಕ ವೆಚ್ಚಗಳು, ಭಂಗಾರದ ನಗಗಳ ಸಂಗಾತಿಗಳ ಮುದ್ರಾ ಪಿಪಾಡಿ ಮಾಡಿಸಿಕೊಂಡಿರುವುದು ಯಾವ ರೀತಿಯಾದುದೆಂದು ತಿಳಿ

ಮೇಷಗಳ ಸ್ಥಿರಾಸ್ತಿಯನ್ನು ಮಾರುವ ಬಗ್ಗೆ ನಿಬಂಧನೆಗಳು. ಯಾವ ಅರಮನೆಗಳಿಗೆ ಸ್ಥಿರಚಿತ್ತಗಳಿಂದ ಅನ್ವಯವಾಗುವುದೋ ಆ ಅರಮನೆಗಳು. ಯಾವ ಒಡಂಬಡಿಕೆ (೫೧) ಮೇರೆಗಳಿಂದಲೂ ಯಾವ ಬಿಲ್ಲುಗಳ ಸ್ಥಿರಚಿತ್ತಗಳಿಂದಲೂ (೫೨) ಬಾಡಿಗೆದಾರಿಗಳಿಗೆ ಕೊಟ್ಟಿರುವ ಜಮೀನುಗಳಿಂದಲೂ, (೫೩) ಮೋಟಾರುಗಳಿಗೆ ಮಿಮಿಂಟುಗಳಿಂದಲೂ, (೫೫೦) ರೂಪಾಯಿಗಳಿಗೆ ಯುಲ್ಯಾಸ್ಥಿರಚಿತ್ತಗಳಿಂದಲೂ, ಪ್ಯಾರೆ ಪಡಿಸಲ್ಪಟ್ಟಿರುವುದು. ಸ್ಥಿರಚಿತ್ತಗಳನ್ನು ಕೊಟ್ಟವರು ಸ್ವಾಧೀನಪಡಿಸಿ ಯಿಟ್ಟುಕೊಳ್ಳುವುದಕ್ಕೆ ಮಾಡಿರುವ ನಿಬಂಧನೆಗಳನ್ನೂ ಅನುಸರಿಸಿ ಬರಬೇಕಾದ ಬಾಡಿಗೆಯನ್ನು ವಸೂಲು ಮಾಡ

೨೦ ಈ ಬ್ಯಾಂಕಿನ್ನು (೧೯೬೯) ಷೆಡ್ಯೂಲಿನಲ್ಲಿ ಕೊಟ್ಟಿರುವ ಮೊತ್ತಗಳನ್ನು ಕೇಂದ್ರ ಸರ್ಕಾರವು ಕಾಲಕಾಲಕ್ಕೆ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಬದಲಾಯಿಸಬಹುದು.

೨೧ ಈ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಸದ್ಯ ಚಾಲ್ತಿಯಲ್ಲಿರುವ ಸಿಬ್ಬಂದಿ (ಸೇವಾ ನಿಯಮಗಳು ಮತ್ತು ಕೆಲಸದ ಪರಿಸ್ಥಿತಿಗಳು) ನಿಯಮಗಳು (೧೯೭೦) ಕ್ಕೆ ಒಳಪಟ್ಟಿರುವ ಸಿಬ್ಬಂದಿಯವರ ಸೇವಾ ನಿಯಮಗಳು ಮತ್ತು ಕೆಲಸದ ಪರಿಸ್ಥಿತಿಗಳು ಈ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಸಹ ಅನ್ವಯವಾಗುತ್ತವೆ.

೨೨ ಈ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಸಾಮಾನ್ಯ ಸಭೆಯ ಸಭೆಗಳು ಮತ್ತು ಅಲ್ಲಿ ಅನುಸರಿಸಬೇಕಾದ ಕಾರ್ಯವಿಧಾನಗಳ ಬಗ್ಗೆ ಬ್ಯಾಂಕಿನ ಯಥಾಸಂಬಂಧಗಳು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಸೂಚಿಸಬಹುದು.

೨೩ ಈ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಣೆಗಾಗಿ ಮತ್ತು ಅಗತ್ಯವಾಗಿರುವ ಬದಲಾವಣೆಗಳನ್ನು ಮಾಡಲು ಕೇಂದ್ರ ಸರ್ಕಾರವು ಕಾಲಕಾಲಕ್ಕೆ ಸೂಚಿಸಬಹುದು.

೨೪ ಈ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಣೆಗಾಗಿ ಮತ್ತು ಅಗತ್ಯವಾಗಿರುವ ಬದಲಾವಣೆಗಳನ್ನು ಮಾಡಲು ಕೇಂದ್ರ ಸರ್ಕಾರವು ಕಾಲಕಾಲಕ್ಕೆ ಸೂಚಿಸಬಹುದು.

೨೫ ಈ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಎಲ್ಲಾ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಸಿಬ್ಬಂದಿಯವರು ಕೇಂದ್ರ ಸರ್ಕಾರದ ಅಧೀನದಲ್ಲಿರುತ್ತಾರೆ. ಮತ್ತು ಬ್ಯಾಂಕಿನ ಆಡಳಿತ ಮಂಡಳಿಯು ಕೇಂದ್ರ ಸರ್ಕಾರಕ್ಕೆ ಜವಾಬ್ದಾರವಾಗಿರುತ್ತದೆ. ಮತ್ತು ಬ್ಯಾಂಕಿನ ಆಡಳಿತ ಮಂಡಳಿಯು ಈ ಬ್ಯಾಂಕಿನ ಕಾರ್ಯನಿರ್ವಹಣೆಯ ಬಗ್ಗೆ ಕೇಂದ್ರ ಸರ್ಕಾರಕ್ಕೆ ವರದಿ ಸಲ್ಲಿಸಬೇಕು.

೨೬ ಈ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವ ಷೆಡ್ಯೂಲುಗಳು ಸೇರಿರುತ್ತವೆ.

ಪೈಕಿ ಕೆಲವು ಸಾಲಗಳು.

೧ ಮು ॥ ರಾ ॥ ಮೊದಲು ಅಪ್ಪಾಜಿಗೆ ಕೊಡಬೇಕಾದ ಸಾಲ ತೀರಿಸಿ ಬಾರ್ಯೆಯು.

೨ ಮು ॥ ರಾ ॥ ಪುಟ್ಟಿಗೆ ಬಂಗಾರದ ಸರವನ್ನು ಮಾಡಿಸಿದ್ದರು.

೩ ಮು ॥ ರಾ ॥ ಮಾವನವರು ಸಾಲ ಮಾಡಿದ್ದರು.

೪ ಮು ॥ ರಾ ॥ ತಿಮ್ಮಣ್ಣನಾಯಕನಿಗೆ ಕೊಡಬೇಕಾಗಿದ್ದ ಸಾಲ.

೫ ಮು ॥ ರಾ ॥ ಆನುಮೂರ್ತಿ ಶೆಟ್ಟಿಯವರಿಗೆ ಕೊಡಬೇಕಾಗಿದ್ದ ಸಾಲ.

೬ ಮು ॥ ರಾ ॥ ಭೋಗಲಿಂಗಯ್ಯನವರು.

೭ ಮು ॥ ರಾ ॥ ಚೌಡಿ ಸುಬ್ಬಣ್ಣ ಬೋವರವರ ಜೀವಿತಾವಧಿಯಲ್ಲಿ.

೮ ಮು ॥ ರಾ ॥ ಸೋಮನಿಂದ ಹೊಂದಿದ ಸಮ್ಮತಿಪತ್ರದ ಪ್ರಕಾರ ಬಿಟ್ಟುಕೊಡಲು.

೯ ಮು ॥ ರಾ ॥ ಸಾಲಗಾರರುಜಪ್ತಿಮಾಡಿದ ಮುಳ್ಳಿನ ಬಾವಿ ತೀರಿಸಿಕೊಡಲು.

೧೦ ಮು ॥ ರಾ ॥ ಅಂಬುಜಾಕ್ಷಿಯ ಸೊಬಗಾರಿಕೆಯನ್ನು ಮೆಚ್ಚಿಕೆಪಡುವಾಗಿಯೂ, ಮು ॥ ರಾ ॥ ನಿಷ್ಕಲಂಕಗತಿಸೇವೆಯು ಬೈಲಾಗಿದ್ದರೆ. ಜವಾಬಿಯೂ ಬಿಡಬೇಕಾದ್ದು ಇವರಿಗೆ ಮುಳ್ಳಿನಾಳಿನ ಕಡೆಯಿಂದ ಬಿಡಿಸಿ ಬಾಯಿಲೆಯಿಸಿ ಜಿಲ್ಲಾವ್ಯಾಪಿಯ ಮೇಲಿಂದಿಗೆ ಬಂದಿರುವ ಸಾಲಗಳನ್ನು ಬೊಮ್ಮಿಯಿಂದ ಮತ್ತಾವದಿಗೂ, ಬೇಕಾದ (೨) ಜವಾಬಿಯವರೆಗೆ ಬಡಿಯಿಂದಲೂ, ೧ ಸುಂ ಪಾಯಿಪಸಾಗಿ ಸಲ್ಲತಕ್ಕದ್ದು ಒಪ್ಪಿದಂತೆ.

೧೬ ಈ ಬ್ಯಾಂಕಿನ ಮ್ಯಾನೇಜರು ಲೇಣದೇವಾರು ಬಾಬತ್ತಿನ್ನಾಗಲಿ ಬಡ್ಡಿಯಾಗಿ ಲೇವಾದೇವಿ ನಡಿಸಿದಲ್ಲಿ ಟೀಟೂ ಲಿಖಿತಾತರು (೨) ರೂಪಾಯಿ ಕನಿಷ್ಠಮೇ ತೊಪಟೇಕು. ಈಪ್ಪೈಕಿ ಮುದುರೂಪಾಯಿ ಮ್ಯಾನೇಜರಿಗೂ ಮುದುರೂಪಾಯಿ ಬ್ಯಾಂಕಿನ ನಫೆಗೂ, ಬೇರಪಡಕ್ಕದ್ದು (೨) ಪ್ಯೂಲಿ ಫಾಸಲೀಮೇಲೆ ಮ್ಯಾನೇಜರಿಹೊಗಪಡಕ್ಕೆ ಮುಖ್ಯವಾದಲ್ಲಿ ಪ್ಯೂಲೆ (೧) ಕ್ಕೆ (೪) ಆಣೆ ಸುಲಿ ಮಾಸ್ತ್ರಪ್ಯೂಲಿಪಡಿಸಿಕೊಳ್ಳಲು ತೊಪಟೇಕು.

೬ ನೆಯವರು.

೨೬ ..... ಮೇಲ್ಕಂಡ ನಿಯಮಗಳಿಗೆ ಅನುಗುಣವಾಗಿ ಬ್ಯಾಂಕಿನ ಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸುವ ಹುದ್ದೆಗಳಲ್ಲಿ ಹುದ್ದೆಯನ್ನು (೧) ಭರ್ತಿಮಾಡಲಾಗಿರುವ ಅಥವಾ (೨) ಭರ್ತಿಮಾಡಲು ಬ್ಯಾಂಕಿನಲ್ಲಿ ಹೊಣೆಯಾಗಿರುವ ವ್ಯಕ್ತಿಯು ಹುದ್ದೆಯಲ್ಲಿ ಇಲ್ಲದಿರುವಾಗ ಅಥವಾ ಅಂಥ ವ್ಯಕ್ತಿಯು ಹುದ್ದೆಯಲ್ಲಿ ಇ

[illegible] [illegible] [illegible] [

ಶ್ರೀ ಶ್ರೀಮದನಾದಿ ತೋಂಟದ ಸಿದ್ಧಲಿಂಗಾರ್ಯ ಪ್ರಸೀದ.

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ಶ್ರೀ ತೊಂಟ ಸಿದ್ಧೇಶ ನಿರಂಜನೇಶೋ ನಕ್ತಂದಿವಂ ಕೃಷ್ಣಮಂದಿರ ಚಿತ್ತಪೀಠಃ।
ಶಿವಾಂತ ಪೀಯೂಷನಯೋಪಧೂಮಃ। ಶ್ರೀರಾಸ್ತಾಯಾಚ್ಚುಭಕೃನ್ನಿಕೇತಃ॥

ಶ್ರೀಮನ್ನಿರಂಜನ ಸಿದ್ಧಸ್ಯ ಸಿದ್ಧೇನ ನಿರ್ಮಾಪಣ ಪತ್ರಾದಿಂಕ್ಷಾ ಲಿಖಿತ ಸುಲಕ್ಷಾಧಿಪತಿಗಳ ಧಂಗ ಜಗದ್ವಿಖ್ಯಾತ ವಾದಾ ಮೂಲ ಸ್ಥೈರ್ಯಾಗಿರತ ಶಂಭುಸ್ವಾಮಿಯ ಸಿಗರವಾಗಲು, ಮುಕ್ತಿಸ್ಥಿತ ವಿಸಬೋಗ ಸಲವು ರಮೇಶ್ವಾಸುಧಿಪ ಜುಲ ಸಂಪಾಸಲಿಂದ ಸಾಧ್ಯಾ ಯುಸಿಧಿಪ ರಾಜ್ಯವಾನ ಚರಕಲಿಲಚಿಕ್ಷಪತಿ ಪರಮ ಸೇವಾಧುರೀಣರಾಗಿದ್ದಾಂತ ಸಿಸಾಗ ಶೋಕ್ತರ ಧಾರಾ ನಿರೂಪಿತ ವಕ್ತಿ ನಿಷ್ಠಾಪ್ತೈಯ ವಿಂಗಸಿನ ಪುರಸ್ಥಿತಿ ಸಿಂಹಾಸಿದ್ಧಾನ ಪರಿಸ್ಕಾರ್ಯಕೊಸ್ಕರ ಚರಕ್ಕಲ ಸಿಮಿತರ ಶ್ರೀಲಶ್ರೀ ಸ್ವಾಗಾರಾಚಾರ್ಯಾನ ಯ ಗುರುಪುಲ ಕೀರ್ತನಾಯನಾನ ಭಕ್ತಸ್ಯ ಸಿಂಹಾಸನಾಧೀಶ ನೀವಾನುಗ್ರಹ ಪಾತ್ರ ಪ ಧರ್ಮಾಧಿ ಪಂಸದನಿ ರಾಜಾಪ ಶಾಂತ ಸೃಷ್ಟಾಂತ ವಾಪನಾನಾದಿ ಭಕ್ತಸ್ಥಳಗಳಿಂದ ವೃಷಭ ಪಿಸಿಗೇರ ನಿರಂಜನ ಗುರುವರ ನವಾನವತಾರಭೂತ ಲಿಸ್ಥೈ ರಿಪುಸ್ಥಾಪಕಾಲೆಲ್ಲಿಂಕ್ಷಿತ ಭುವಿಯುವರ ವಿರಾಜಮಾನ ಶ್ರೀ ಪುರನಾದಿ ತೋಂಟದ ಸಿದ್ಧೇಶ್ವರ ಸಂಪದಾ ಸ್ಥಾನಾಧಿಪತಿಗಳಾದ ಶ್ರೀ ಪದ್ಮಾಂಬಿಕಾ ಸುಪುತ್ರರಾದ್ದಾನ ಬೃಹನ್ಮಠಾಧಿಪತಿ ಸ್ವೀಕೃತಿಂಗಮಸ್ಥೈ ಶ್ರೀ ಮಚ್ಚಾರಾದಿ ಲಿಂಗಾನು ಸಂಧಾನಾನಂತಾನುಗ್ರಹಪೂರಿತ ಶ್ರೀ ಮಹಾಜಾನಿ ವಾಜರಾಜಗುರುತ ಶ್ರೀ ಮನ್ಮಹಾರಾಜ ನಿರಂಜನ ಜಗದ್ಗುರು ತೋಂಟದ ಸಿದ್ಧಲಿಂಗಾರ್ಯ ಸ್ವಾಮಿಗಳವರ ಸಂಪ್ರಾಪ್ತಿನ ಪ್ರಕಟಿತಾ ಶ್ರೀಮ ದಿಮೂರ ಶ್ರೀ ಪುದನಾದಿ ತೋಂಟದ ಸಿದ್ಧಲಿಂಗಾರ್ಯ ಸ್ವಾಮಿಸ್ಥಾಪಿ ಕರ್ನಾಟಾಸ್ಥ ಸಮಸ್ತಸಾರ್ವಭೌಮ

ಪ್ರಯೋಗಾತ್ಮಕ ಪತ್ರಿಕಾ

ಕೆಳಗೆ ಮುದ್ರಿಸಿದ ಕ್ರಮಕಾರ

ಊರುಗಳ ಹೆಸರುಗಳು	ಸಂಖ್ಯೆ.	ತಾರೀಖು.	ಮುಕ್ತಾಂ ಮಾಡತಕ್ಕವ್ಯಗಳ.
ಗದಿಗಿನಿಂದಾ ಸೊರಟು	ಕಾ. ಶು. ೮,	೨೧-೧೧-೧೯೧೩	ಡಂಬಳಮುಕ್ಕಾಂ
ಡಂಬಳದಿಂದಾ			ಹಮಿನಹಡಗಲಿ ,,
ಹುಮಿನಹಡಗಲಿಯಿಂದಾ			ಹರಪನಹಳ್ಳಿ ,,
ಹರಪನಹಳ್ಳಿಯಿಂದಾ	ಕಾ॥ ಶು॥೧೦, ೧೨	ಐದಮಾಸ ೩೪, ಅಥವಾ ೨೨೫೯೦ ದಿವಸ	ಹಾವಣಗೇರಿ ,,
ಹಾವಣಗೆರಿಯಿಂದಾ			ಸೊಳಲಕೇರಿ ,,
ಸೊಳಲಕೇರಿಯಿಂದಾ			ಬೀದೂರ ,,
ಬೀದೂರಿಂದಾ			ಅಸೂಕೇರಿ ,,
ಅಸೂಕೇರಿಯಿಂದಾ			ತಿಬಟೂರ ,,
ತಿಬಟೂರಿಂದಾ			ಸೋಣಶಿನಕೇರಿ ,,
ಸೋಣಶಿನಕೇರಿಯಿಂದಾ			ಮುಳಿಯೂರ ಮುಕ್ಕಾಂ

ಈ ಪ್ರಕಾರ ನ್ಯಾಮಗಳ ಪಾರ್ಸದಿಂದ ಹೊರಟು ಯಿಡಿಯೂರಿಗೆ ತಲಪಿಸಿ ಕಾ. ಶು. ೧೫, ಕಾ. ೩೦-೧೧-೧೯೧೩ ರಲ್ಲಿ ಅಥವಾ ಕಾ. ಬ. ೧೩ಕ್ಕೆ ಒಳಹೊರಗೆ ತಂದಿರಿ ರಾ. ೭೯ ಅಥವಾ ೩೦-೧೧-೧೯೧೩ ಅಥವಾ ೧೩ ೧೯೧೩ ಇಷ್ಟರಲ್ಲಿ ಯಡಿಯೂರ ಮುಕ್ಕಾಂ ಆಗುವದು. ಮತ್ತು ಪ್ರಯಾಣವಾಗುವದಲ್ಲಿ ವಿಘ್ನವಿದರೂ ಅನಾನುಕೂಲತೆಯು ಬಂದರೆ ನಾಲ್ಕುದಿವಸ ಹೆಚ್ಚುಕಡಿಮೆ ಆದರೆ ಸ್ವೀಕಾರ ಮ ಬಹಳಾಯಿಸಲ್ಪಡುವದು. ಮೇಜಿಬರೆವ ಮಿತಿಯೊಳಗಾಗಿ ೨ ದಿನ ಮುಂಚಿತವಾಗಿ, ಸದರ ಯಡಿಯೂರ ಮುಕ್ಕಾಂಗಳಿಗೆ ಬರತಕ್ಕ ಸರ್ವ ಭಕ್ತ ಮಾಪೇಕ್ಷರು ಸಿಮ್ಮ ಸಿಮ್ಮ ಸೋಯುಕ್ತಕಾರಕ್ಕೆ ರೈಲು ಮಾರ್ಗದಿಂದಲೂ, ಕಾಲುದಾರಿಯಿಂದಲೂ ಬಂದು ಮುಕ್ಕಾ ನ್ಯಾಯುರು ಶೀಘ್ರದಲ್ಲಿ ಶಕ್ತರಾಗಿ, ಕೃಪಾಶೀರ್ವಾದಕ್ಕೆ ಪಾತ್ರರಾಗತಕ್ಕದ್ದು. ಲೇಟ್ಟಿವಾಗಿದ್ದರಿಂದ ಬರತಕ್ಕವರು ತಿಬಟೂರು ಅಥವಾ ಬಾಣಸಂಪ್ರ ಸ್ಟೇಷನ್ನಗಳಿಗೆ ಇಳಿದು ಬರತಕ್ಕದ್ದು. ತಾ. ೧೫-೧೧-೧೯೧೩ ರಲ್ಲಿ

ಪ್ರಕಟಕ

ಮಹಾಸಂಸ್ಥಾನ ಅಜಮಾಪು ತೋಂಟದ್ಧೇಶರು.

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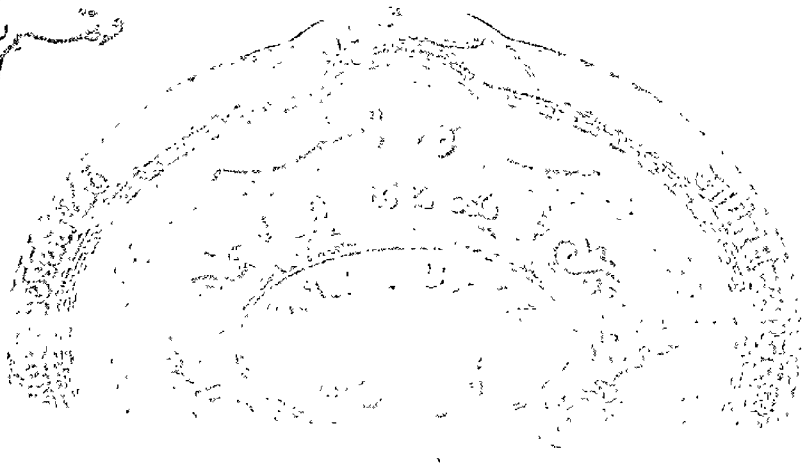

4 page tag

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This power of Attorney Hatha Swami
has signed this document in
my presence and the witnesses
have attested their signatures
thereon - I know the Swami.

Gadag
1st November 84.

Shantagiri Basavanath
Notary of Gadag.

ప్రశ్నావళి

1 [illegible]

2 [illegible]

3 [illegible]

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9 [illegible]

10 [illegible]

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12 [illegible]

13 [illegible]

14 [illegible]

15 [illegible]

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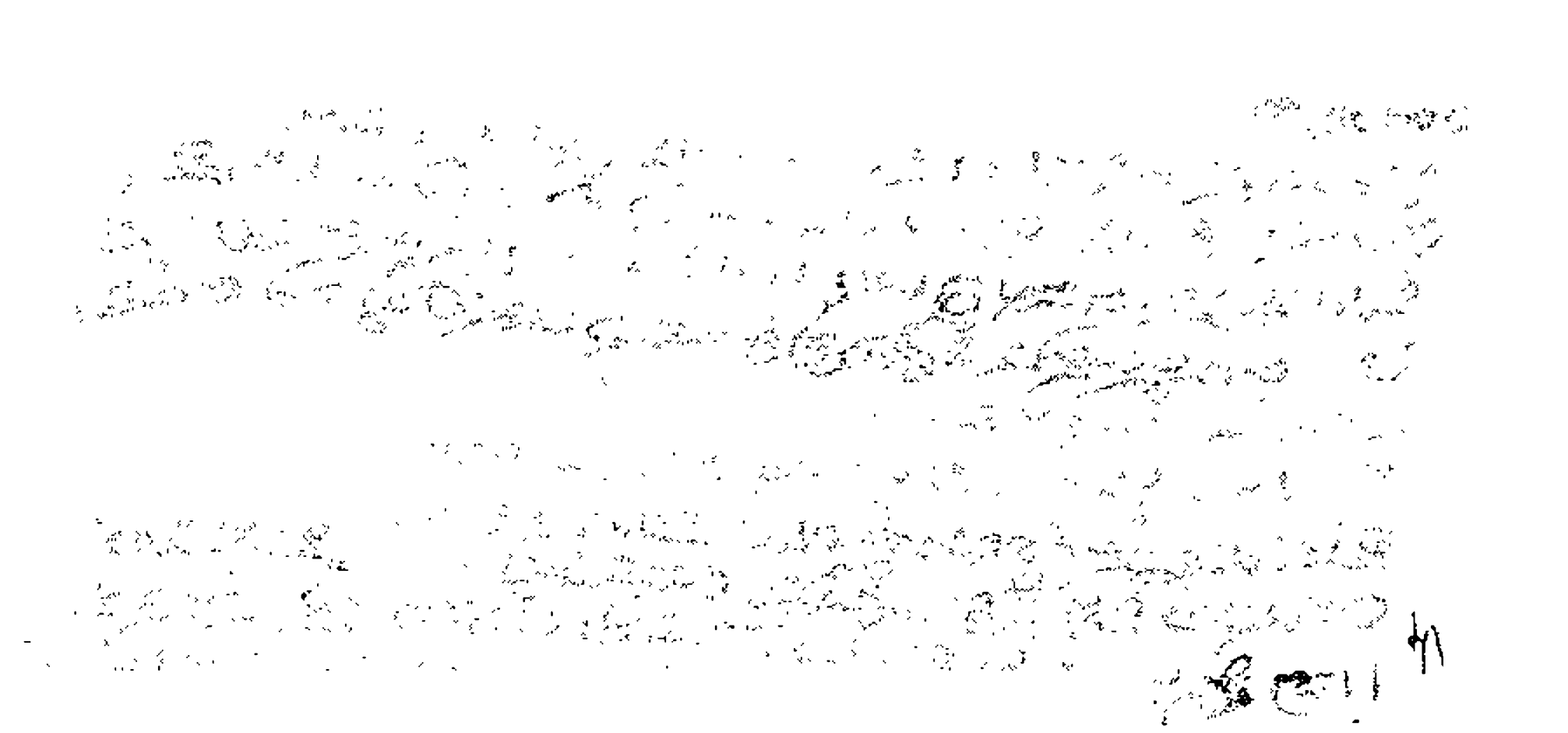

[illegible]

ಪ್ರಾಣಿಗಳಲ್ಲಿ ಮಾನವನು ಶ್ರೇಷ್ಠನು ಎಂಬುದಕ್ಕೆ ಅವನಲ್ಲಿರುವ ಬುದ್ಧಿಶಕ್ತಿಯೇ ಕಾರಣ. ಈ ಬುದ್ಧಿಶಕ್ತಿಯಿಂದಾಗಿ ಅವನು ಪ್ರಕೃತಿಯ ಮೇಲೆ ಹಿಡಿತ ಸಾಧಿಸಿದ್ದಾನೆ. ಪ್ರಕೃತಿಯ ಶಕ್ತಿಗಳನ್ನು ತನ್ನ ಅನುಕೂಲಕ್ಕಾಗಿ ಬಳಸಿಕೊಳ್ಳುತ್ತಿದ್ದಾನೆ. ಪ್ರಕೃತಿಯ ಮೇಲೆ ಮಾನವನು ಸಾಧಿಸಿರುವ ಹಿಡಿತವು ಅವನ ಬುದ್ಧಿಶಕ್ತಿಯ ಫಲವಾಗಿದೆ. ಆದರೆ ಈ ಬುದ್ಧಿಶಕ್ತಿಯನ್ನು ಅವನು ಸರಿಯಾಗಿ ಬಳಸಿಕೊಳ್ಳುತ್ತಿಲ್ಲ. ಅದರಿಂದಾಗಿ ಪ್ರಕೃತಿಯ ಸಮತೋಲನವು ತಪ್ಪಿ ಹೋಗಿದೆ. ಪ್ರಕೃತಿಯ ಸಮತೋಲನವು ತಪ್ಪಿ ಹೋಗಿರುವುದರಿಂದಾಗಿ ಪರಿಸರ ಮಾಲಿನ್ಯ ಉಂಟಾಗಿದೆ. ಪರಿಸರ ಮಾಲಿನ್ಯದಿಂದಾಗಿ ಮಾನವನ ಆರೋಗ್ಯವು ಹಾಳಾಗುತ್ತಿದೆ. ಪರಿಸರ ಮಾಲಿನ್ಯವನ್ನು ತಡೆಗಟ್ಟಲು ಮಾನವನು ಪ್ರಯತ್ನಿಸಬೇಕಾಗಿದೆ. ಪರಿಸರ ಮಾಲಿನ್ಯವನ್ನು ತಡೆಗಟ್ಟಲು ಮಾನವನು ಪ್ರಯತ್ನಿಸಬೇಕಾಗಿದೆ.

ಪ್ರಾಣಿಗಳಲ್ಲಿ ಮಾನವನು ಶ್ರೇಷ್ಠನು ಎಂಬುದಕ್ಕೆ ಅವನಲ್ಲಿರುವ ಬುದ್ಧಿಶಕ್ತಿಯೇ ಕಾರಣ. ಈ ಬುದ್ಧಿಶಕ್ತಿಯಿಂದಾಗಿ ಅವನು ಪ್ರಕೃತಿಯ ಮೇಲೆ ಹಿಡಿತ ಸಾಧಿಸಿದ್ದಾನೆ. ಪ್ರಕೃತಿಯ ಶಕ್ತಿಗಳನ್ನು ತನ್ನ ಅನುಕೂಲಕ್ಕಾಗಿ ಬಳಸಿಕೊಳ್ಳುತ್ತಿದ್ದಾನೆ. ಪ್ರಕೃತಿಯ ಮೇಲೆ ಮಾನವನು ಸಾಧಿಸಿರುವ ಹಿಡಿತವು ಅವನ ಬುದ್ಧಿಶಕ್ತಿಯ ಫಲವಾಗಿದೆ. ಆದರೆ ಈ ಬುದ್ಧಿಶಕ್ತಿಯನ್ನು ಅವನು ಸರಿಯಾಗಿ ಬಳಸಿಕೊಳ್ಳುತ್ತಿಲ್ಲ. ಅದರಿಂದಾಗಿ ಪ್ರಕೃತಿಯ ಸಮತೋಲನವು ತಪ್ಪಿ ಹೋಗಿದೆ. ಪ್ರಕೃತಿಯ ಸಮತೋಲನವು ತಪ್ಪಿ ಹೋಗಿರುವುದರಿಂದಾಗಿ ಪರಿಸರ ಮಾಲಿನ್ಯ ಉಂಟಾಗಿದೆ. ಪರಿಸರ ಮಾಲಿನ್ಯದಿಂದಾಗಿ ಮಾನವನ ಆರೋಗ್ಯವು ಹಾಳಾಗುತ್ತಿದೆ. ಪರಿಸರ ಮಾಲಿನ್ಯವನ್ನು ತಡೆಗಟ್ಟಲು ಮಾನವನು ಪ್ರಯತ್ನಿಸಬೇಕಾಗಿದೆ. ಪರಿಸರ ಮಾಲಿನ್ಯವನ್ನು ತಡೆಗಟ್ಟಲು ಮಾನವನು ಪ್ರಯತ್ನಿಸಬೇಕಾಗಿದೆ.

ಶ್ರೀ ಗುರುಭ್ಯೋ ನಮಃ

ಪರಮ ಪೂಜ್ಯ ಶ್ರೀ ಶ್ರೀ ಶ್ರೀ ಜಗದ್ಗುರು ಶಿವರಾತ್ರಿ ದೇಶಿಕೇಂದ್ರ ಮಹಾಸ್ವಾಮಿಗಳವರ ಪುಣ್ಯಹಸ್ತದಿಂದ ಲಿಂಗದೀಕ್ಷೆ ಪಡೆದು ಶಿವಯೋಗ ಸಾಧನೆಯಲ್ಲಿ ತೊಡಗಿರುವ ಶ್ರೀ ಶ್ರೀ ಶ್ರೀ ಜಗದ್ಗುರು ಶಿವರಾತ್ರಿ ದೇಶಿಕೇಂದ್ರ ಮಹಾಸ್ವಾಮಿಗಳವರ ಪವಿತ್ರ ಸನ್ನಿಧಿಯಲ್ಲಿ

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No. 1556 of 13

Revenue Department

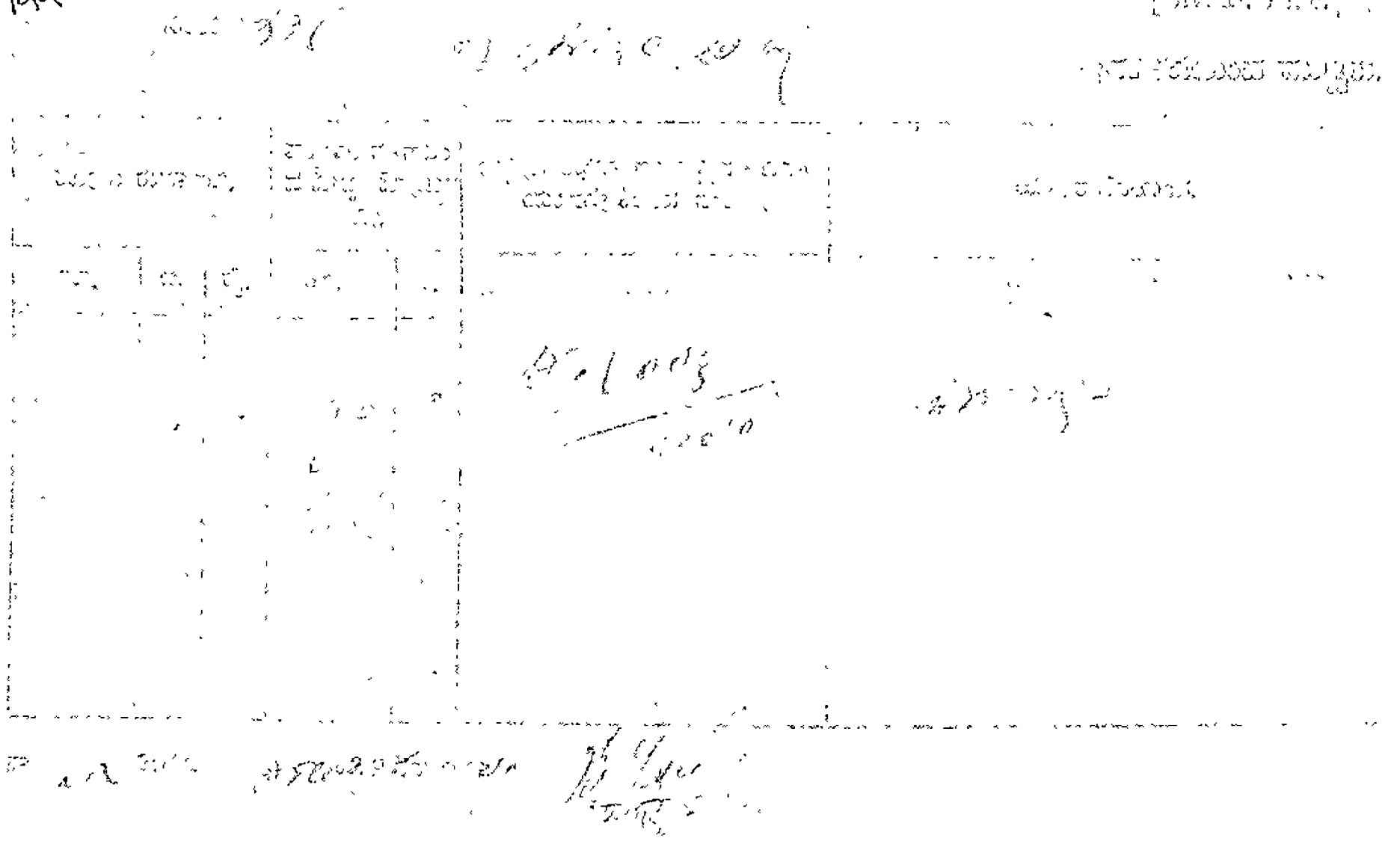
Bombay Castle, 30th June 1890.

In reply to ~~his~~ their Petition, dated 13th ultimo, Nijalingappa Shetti and other members of the Lingayet Community of Gadag, Taluka Gadag, District Dharwar, are informed that Government cannot comply with their request.

J. P. Watts.

Acting Under Secretary to Government.

WB.



123

Date [illegible]

[illegible]

Amount of the account [illegible]

[R. A. 68.

ಬಾವಿಯ ಪಟ್ಟಿಯ ಸ್ಕೆ _____

ತಾಲೂಕು ಗಳ - ಫ - ಎಕ್ಕ ಪುಸ್ತಕ ನಂ ೧

ಸಾಕ್ಷಿಯ ಮುಂದೆ ಓದಿ ಕೇಳಿಸಿ ಒಪ್ಪಿಸಿದ್ದು

ಸಾಕ್ಷಿ ನಂಬರು . . . . . ಸರಿಪಡಿಸಿದವಚ್ಚಿನಲ್ಲಿ . . .

. . . . . ಸ ಪಡಿಸಲೆ- ಬಾಕಿಯು ಬಾಕಿಪತ್ರಿಕೆ ಪದ, ಸ

ಬಿ ಗಳ್ಳಿಂ ಸ್ಥಾಪಿಸಿದ ಮಟ್ಟಿ ಸರಕಾರದ ಕೆಲಸವು ರು. ಗಳ್ಳಿ ಆ

ಮೇಲ್ಕಂಡ ಪ್ರಕಾರವಾಗಿ ಹೆಚ್ಚಿ ಮೊತ್ತವಾಗಿ ಕೊಡಬೇಕಾಗಿದೆ ಅ

ಬೆ. ರು . . . ಪೈಸೆ . . ಪಡೆಯುವಿಕೆ ಮುಟ್ಟಿಸಿತು.

ಸಾಕ್ಷಿಯ ಸಹಿ ಅಥವಾ ಗುರುತು

ಬರೆದವನ ಸಹಿ

ಕಚೇರಿಯಲ್ಲಿ ಬರೆದವನ ಸಹಿ

ಗೊಡನು

Digitized by Google

185

[R. A. 68. k.

ಪಾಲಾಗಿ ಸಂಬಂಧಿಸಿದ ಸ್ಥಳ _____

ಕಾರಣ ಸಂಖ್ಯೆ ಮತ್ತು ದಿನಾಂಕ _____ ದಿನಾಂಕ _____

_____

ಇವರ ಸಂಬಂಧ . . . . . ದವರಾದ ನಿವಾಸಿಗಳು . . . .

. . . . . ಇವರು ಹಾಜರಾಗಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಆದು, ಇವರ ಅರ್ಜಿಯ ಸ್ವಾಮ್ಯತೆಯ ಬಗ್ಗೆ ಸರಕಾರದ ಪರವಾಗಿ ಯಾವುದೇ ಆಕ್ಷೇಪಣೆ ಇರುವುದಿಲ್ಲವೆಂದು ಸರಕಾರದ ಪರವಾಗಿ ಹಾಜರಾಗಿರುವ ಶ್ರೀ . . . . ರವರು ತಿಳಿಸಿರುತ್ತಾರೆ.

ಆದುದರಿಂದ ಈ ಕೆಳಗಿನ ಆಸ್ತಿಯನ್ನು ಅರ್ಜಿದಾರರಿಗೆ ಪಾಲಾಗಿ ಕೊಡಲಾಗಿದೆ.

ಕೊಟ್ಟಿರುವ ಆಸ್ತಿಯ ವಿವರ

ಗೌಡನು

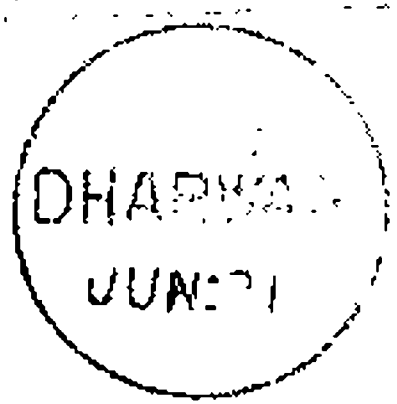
Mr. [illegible] Rs. [illegible]

Dated [illegible] 19[illegible].

Received a registered article addressed to [illegible]

[illegible]

Name of Sender [illegible]



Receiving Officer.

Note.—A note is required to be made in the Register.

ಅರಿಲ್ಲ-ಗಳು
ನಾಗರಿ
ಸಾರಿಕೆ

ರಜಿಸ್ಟ್ರಾರರಿಗೆ

ನಾ-ಪ್ಪೈರಸುರಡಂಗಳು ಸಾಕಷ್ಟಿವೆ

ಶಿಫಾರಸುಮಾಡಿ

ಗಲಭೆಸಂಭವಿಸಿದಲ್ಲಿ ಸಂಸ್ಥೆಯವರೇ ಹೊಣೆಯಾಗಿರುತ್ತಾರೆ

ಇಂ

ನಾ ಸಾಂತಿಕೊಂಡ

ನಾ ಕೆಳಗಿಳಿದ

ನಾ ಬೆಳೆದೆ

ನಾ ಹೊಳೆದ

ನಾ ಹೊಳೆದ

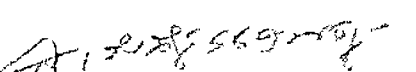
ನಾ ಕೆಳಗಿಳಿದ

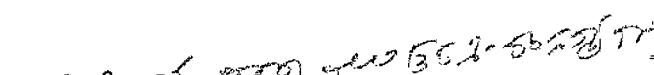
ನಾ ಸಾಂತಿಕೊಂಡ

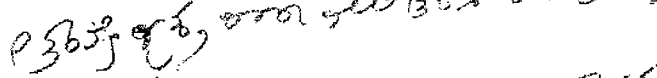
ನಾ ಹೊಳೆದ

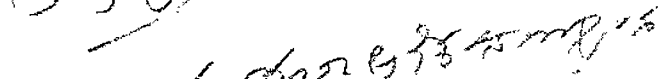
ನಾ ಬೆಳೆದೆ

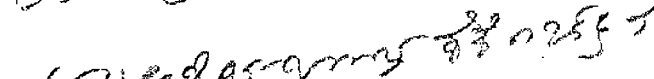
ನಾ ಕೆಳಗಿಳಿದ

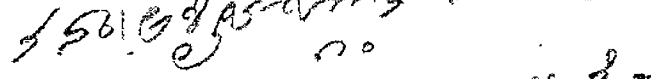


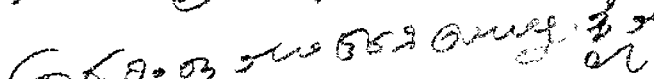


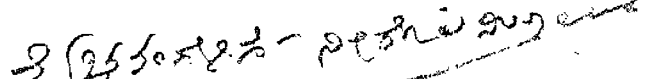


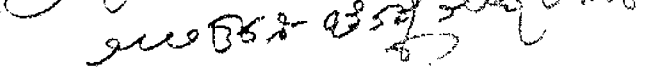


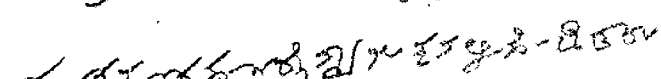


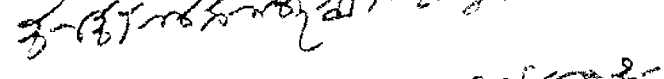


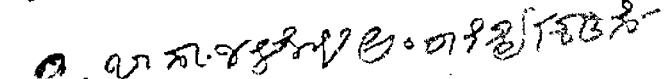


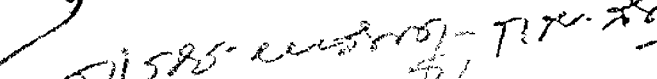


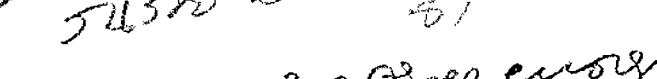


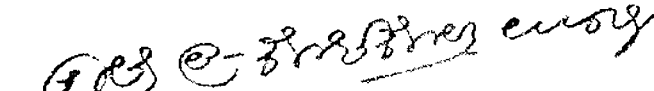


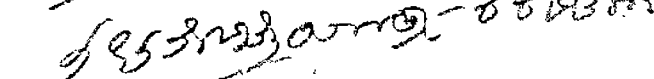


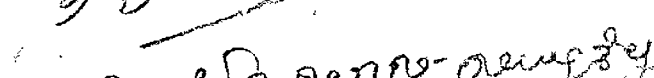


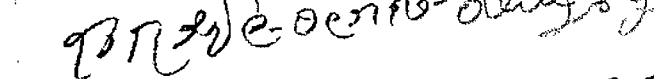


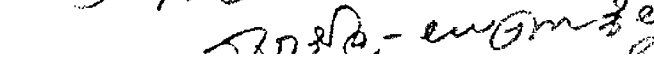












ಅಂಗಾಂಗಳ ಕೆಲಸಕ್ಕೆ ಸಹಾಯಕವಾಗಿರುವ ಸಾಧನಗಳು
ಅಂಗಗಳು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತವೆ. — ಅನೇಕ ಅಂಗ-
ಗಳಿಂದ ಕೂಡಿದ ಒಂದು ಜೀವಿಯಲ್ಲಿ ಅಂಗಗಳು
ಪರಸ್ಪರ ಸಹಕಾರದಿಂದ ಕೆಲಸ ಮಾಡುತ್ತವೆ. ಹೀಗೆ
ಮಾಡುವುದರಿಂದ ಜೀವಿಯು ಆರೋಗ್ಯವಾಗಿರುತ್ತದೆ.
ಅಂಗಗಳು ಒಂದಕ್ಕೊಂದು ಸಂಬಂಧಪಟ್ಟಿರುವುದರಿಂದ
ಒಂದು ಅಂಗವು ಕೆಟ್ಟರೆ ಅದರ ಪರಿಣಾಮವು ಇತರ
ಅಂಗಗಳ ಮೇಲೂ ಆಗುತ್ತದೆ. ಉದಾಹರಣೆಗೆ ಹೃದಯ
ಸರಿಯಾಗಿ ಕೆಲಸ ಮಾಡದಿದ್ದರೆ ಅದರ ಪರಿಣಾಮವು
ಇಡೀ ದೇಹದ ಮೇಲೆ ಆಗುತ್ತದೆ. ಹೃದಯವು ಸರಿಯಾಗಿ
ಕೆಲಸ ಮಾಡಲು ಶ್ವಾಸಕೋಶಗಳು ಸರಿಯಾಗಿ ಕೆಲಸ
ಮಾಡಬೇಕು. ಶ್ವಾಸಕೋಶಗಳು ಸರಿಯಾಗಿ ಕೆಲಸ
ಮಾಡಲು ಹೃದಯವು ಸರಿಯಾಗಿ ಕೆಲಸ ಮಾಡಬೇಕು.
ಹೀಗೆ ಅಂಗಗಳು ಒಂದಕ್ಕೊಂದು ಸಹಾಯಕವಾಗಿ
ಕೆಲಸ ಮಾಡುತ್ತವೆ. ಇದನ್ನು ಪರಸ್ಪರಾವಲಂಬನೆ
ಎಂದು ಕರೆಯುತ್ತಾರೆ.

(ਪ)

(ਮ) ਤੋ. ਮੇਰੇਘਰਆਨਾ ਸੋਮਵਾਰਸਵੇਰੇਮੈਂਤੁਹਾਡੇਘਰਆਉਂਗਾ ਤੁਹਾਡੇਘਰਦੇ
ਨੰ. ਮੈਨੂੰ ਦੱਸਣਾਤੁਹਾਡਾਘਰਕਿਹੜੇਨੰਬਰਦਾਹੈ ਮੈਂਤੁਹਾਡੇਘਰਦੇਨੰਬਰਤੇਫੋਨਕਰਕੇ
ਤੁਹਾਡੇਘਰਦਾਰਸਤਾਪੁੱਛਲਵਾਂਗਾ ਮੈਂਤੁਹਾਡੇਘਰਦੇਨੰਬਰਤੇਫੋਨਕਰਕੇਤੁਹਾਡੇਘਰਦਾ
ਰਸਤਾਪੁੱਛਲਵਾਂਗਾ ਮੈਂਤੁਹਾਡੇਘਰਦੇਨੰਬਰਤੇਫੋਨਕਰਕੇਤੁਹਾਡੇਘਰਦਾਰਸਤਾ
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ಮತ್ತು ಅವರ ತಂದೆಯವರಿಗೆ ಕೊಡಿಸಿದ್ದು ಅವರು ಅವರ ಹೆಸರಿನಲ್ಲಿ ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ
ಹಾಗೂ ಅವರ ಮನೆಯಲ್ಲಿ ಅವರ ಹೆಂಡತಿ ಮಕ್ಕಳು ಇರುತ್ತಾರೆ ಅವರಿಗೆ ಯಾವುದೇ ತೊಂದರೆ
ಕೊಡುವುದಿಲ್ಲ ಅವರಿಗೆ ಯಾವುದೇ ಹಕ್ಕು ಇರುವುದಿಲ್ಲ ಅವರಿಗೆ ಯಾವುದೇ ಹಕ್ಕು ಇರುವುದಿಲ್ಲ
ಅವರಿಗೆ ಯಾವುದೇ ಹಕ್ಕು ಇರುವುದಿಲ್ಲ ಅವರಿಗೆ ಯಾವುದೇ ಹಕ್ಕು ಇರುವುದಿಲ್ಲ

ಇತ್ಯರ್ಥಪಡಿಸಿಕೊಡಲು ಕೋರಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಅರ್ಜಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಅರ್ಜಿದಾರರು
ಕೋರಿರುವಂತೆ ಅವರ ಹೆಸರಿಗೆ ಖಾತೆ ಮಾಡಿಕೊಡಲು ಯಾವುದೇ ಅಡ್ಡಿ ಆತಂಕ ಇರುವುದಿಲ್ಲವೆಂದು
ಕಂಡುಬಂದಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಅರ್ಜಿದಾರರು ಕೋರಿರುವಂತೆ ಅವರ ಹೆಸರಿಗೆ ಖಾತೆ ಮಾಡಿಕೊಡಲು
ಯಾವುದೇ ಅಡ್ಡಿ ಆತಂಕ ಇರುವುದಿಲ್ಲವೆಂದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಆದ್ದರಿಂದ

ನಿಮ್ಮ ವಿಶ್ವಾಸಿ

ಮಾಡಿಕೊಳ್ಳಲಾಗಿದೆ.

ಸಾಕ್ಷಿಗಳ ಸಹಿಗಳನ್ನು ಪಡೆದುಕೊಳ್ಳಲಾಗಿದೆ.

ಮೇಲ್ಕಂಡ ಪ್ರಕಾರ ಕ್ರಯಪತ್ರವನ್ನು ಬರೆಸಿಕೊಂಡು ಸಹಿ ಮಾಡಿಕೊಟ್ಟಿರುವುದು ಸರಿಯಾಗಿದೆ.

ಸಾಕ್ಷಿಗಳ

(ಮುಂದುವರಿದ ಭಾಗ)

2

ಮಾಡಿದ್ದು ಅಂತಿಮ ಆದೇಶ ಆಗಿರುತ್ತದೆ.

ಸಹಿ/-

ಸಹಾಯಕ ಆಯುಕ್ತರು

ಸಹಿ/-

ಸಹಾಯಕ ಆಯುಕ್ತರು

139

ہو۔ اور ہم جو کچھ کہہ رہے ہیں اس کا مقصد یہ ہے کہ ہم اپنے
ملک کی آزادی کو برقرار رکھنے کے لیے ہر ممکن کوشش کریں گے۔
ہم کسی بھی قسم کی غلامی کو قبول نہیں کریں گے۔ ہم اپنے
ملک کی آزادی کے لیے ہر قربانی دینے کے لیے تیار ہیں۔
ہم اپنے ملک کی آزادی کے لیے اپنی جان تک قربان کر
سکتے ہیں۔ ہم اپنے ملک کی آزادی کے لیے اپنی جان
قربان کرنے کے لیے تیار ہیں۔ ہم اپنے ملک کی آزادی
کے لیے اپنی جان قربان کرنے کے لیے تیار ہیں۔
ہم اپنے ملک کی آزادی کے لیے اپنی جان قربان کرنے
کے لیے تیار ہیں۔ ہم اپنے ملک کی آزادی کے لیے
اپنی جان قربان کرنے کے لیے تیار ہیں۔ ہم اپنے
ملک کی آزادی کے لیے اپنی جان قربان کرنے کے

1578

1902

142
(10.)

೧	೨	೩	೪	೫	೬

॥ ಶ್ರೀ ॥

ಲೇಜನಂಬರ 2135 ಸನ್ 1959 ನೇ ಇಸ್ವಿ ನವ್ಹಂಬರ 4 ನೇ ತಾರೀಖಿನ 9-30 ಮತ್ತು 4-30 ಗಂಟೆ ನಡುವೆ ಶ್ರೀ ಜಗದ್ಗುರು ತೋಂಟದಾರ್ಯ ಮಹಾಸ್ವಾಮಿಗಳವರ ಗದಗಿನ ಮಠದಲ್ಲಿ ತಂದುಕೊಟ್ಟಿತು—

ಶ್ರೀ ಜಗದ್ಗುರು ತೋಂಟದಾರ್ಯ ಮಹಾಸ್ವಾಮಿಗಳು ಗುರು ತೋಂಟದಾರ್ಯ ಮಹಾಸ್ವಾಮಿಗಳು ಸಂಸ್ಥಾನ ಮಠ ಡಂಬಳ ಮತ್ತು ಗದಗ

ಸಹಿ ಇಂಗ್ರೇಜಿ
S. R. Gadag

ಈ ಪ್ರಕಾರ ಫೀ ಮುಟ್ಟಿತು. ನೋಂದಿಸುವ ಫೀ ರೂಪಾಯಿ 2-50
ಸ್ಟೇಟೋಸಾಯಿ ಡ್ಸ (8) 3-60
ಟೆಸ್ಟಾಲ 0-91
7-01

ಸಹಿ ಇಂಗ್ರೇಜಿ
S. R. Gadag

ಪಾವಸ್ಸಿನ ಫೀ ರೂಪಾಯಿ (10/-) ಹತ್ತು ಕ್ಯಾರ ಬುಸ್ತಿಗೆ ಜಪಾ ಮಾಡಿದೆ.

ಸಹಿ ಇಂಗ್ರೇಜಿ
S. R. Gadag
4-11-59

GDGI
III 2136-1/8
1959

ಮೃತ್ಯು ಪತ್ರವು

ಶ್ರೀ ಮನ್ನಿರಂಜನ ನಿರೂಪ್ಯ ನಿರ್ದೇಶ ನಿರಾವರಣ ಸತ್ತಾದಿಲಕ್ಷಣ ಲಕ್ಷಿತವಾಲ ಮಾಯಾಸಂಗಭಂಗ ಜಗದ್ವಿಸ್ತಾರ ಕಾರಣ ಮೂಲಸ್ಥಂಬ ರೂಪಕ ಶಂಭುಃ ಸ್ವರೂಪ ನಿಗಮಾಗಮ ಸುಪ್ರತಿಷ್ಠಿತ ಶಿವಯೋಗ ಪರಮ ರಹಸ್ಯಾನುಭವ ಜನಿತ ಪರಮಾನಂದ ಸಾಮ್ರಾಜ್ಯ ವಿಭವ ರಾಠಾಜ್ಯಮಾನ ಚರಕುಲ ಚಕ್ರವರ್ತಿ ಗರ್ವಪೇಟಾರ್ಥಾನುಸಾರಿ ಸಿದ್ಧಾಂತ ಶಿವಾಗಮೋತ್ತರ ಭಾಗ ನಿರೂಪಿತ ಶಕ್ತಿ ವಿಶಿಷ್ಟಾದ್ವೈತ ವೀರಶೈವ ಮತ ಘಟಿಕ ಸಿಂಹಾಸನಾಧೀಶ ತೈಕೋತ್ತರ ಶತಸ್ಥಲ ಘಟಿತ ಸ್ಥಾನಾಚಾರ್ಯ ವರ್ಯ ಗುರುಕುಲಕೇತನಾಮಾಮಾನ ಕೂರ್ಮ ಸಿಂಹಾಸನಾಧೀಶ ಶಿವಾನುಭವಾಸ್ಥ ಸುಧಾರಣ ಪ ಸಂವರ್ಧನರಾಕಾರ ವಶ್ಯಾಂಕ ನೃಷ್ಯಾಂಕನಾಹನ ನಂದಿಧ್ವಕ್ತ ವೃಷಭೇಂದ್ರ ಹೃದಯ ವಿನಿರ್ಗತ ನಿರಂಜನ ಗಣೇಶ್ವರ ಪರಾವತಾರ ಭೂತಕಗ್ಗೇರಿ ಪುಷ್ಪವಾಟಿಕಾ ಪಲ್ಲಿಕಸ್ಥಿತ ಯುಪೆಯೂರ ನಿರಾಜಮಾನ ಶ್ರೀ ಮದನಾದಿ ತೋಂಟದ ಸಿದ್ಧಲಿಂಗೇಶ್ವರ ಪರಂಪರಾನ್ವಯಾನುಗತ ಶ್ರೀ ಮದ್ದೊಂಬಲ ಮಹಾಸಂಸ್ಥಾನ ಬ್ರಹನ್ಮಠಾಧಿಷ್ಠಿತ ಶ್ರೀಮನ್ಮ ಲಿಂಗಮಧ್ಯಸ್ಥಿತಾಚಾರಾದಿ ಲಿಂಗಾಂಗಸಾಮರಸ್ಯಾನುಭವ ಭೋಜಿತ ಶ್ರೀ ಮಜ್ಜಗದ್ಗುರು ಪೂಜಿತ ಶ್ರೀ ಮನ್ಮಹಾರಾಜ ವಂದಿತ ಜಗದ್ಗುರು ತೋಂಟದ ಸಿದ್ಧಲಿಂಗ ದೇಶಿಕೇಂದ್ರ ಮಹಾಸ್ವಾಮಿಗಳವರು ಸಂಸ್ಥಾನಮಠ ಡಂಬಳ ಮತ್ತು ಗದಗ ಮುಕ್ತಾಂ ಗದಗ ಜಿಲ್ಲಾ ಧಾರವಾಡ ನಾವು ಅಪ್ಪಣೆ ಕೊಡಿಸಿ ಬರೆಸಿಹುವ ವ್ಯತ್ಯಪತ್ರ ಯೇನಂದರೆ—

ನಮಗೆ ಪ್ರಕೃತಕ್ಕೆ ಸಂಭವಿಸಿರುವ ಪ್ರಧಾನ್ಯ ಮೂಲಕ ನಾವು ಯಿನ್ನು ಬಹಳ ದಿವಸಗಳವರೆಗೆ ಯೀ ಲೋಕದಲ್ಲಿ ವಾಸಿಸುವೆನೆಂಬ ಭರವಸೆಯಿಲ್ಲದ ಕಾರಣ ನಮ್ಮ ಜಾಗ್ರತಾವಸ್ಥೆಯಲ್ಲಿಯೇ ಯೀ ಗದಗ ಗ್ರಾಮದಲ್ಲಿ ನಮ್ಮ ಸಮಕ್ಷ ಯಿರುವ ನಮ್ಮ ಶಿಷ್ಯರು ಪ ಪ್ರಮುಖ ವೈಷವರು ಇವರ ವಿನ್ಯವನ ನಮ್ಮ ಯಾವತ್ತು ಪೂಲ್ಯಿಯ ನಮ್ಮ ಪರ್ವಾತ್ ಸ್ಥಾನರ ಜಂಗಮ ಆಸ್ತಿಗಳು ಮತ್ತು ಶಿಷ್ಯರ ಕಡೆಯಿಂದ ನಮಗೆ ಸಲ್ಲಾಕ್ಕ ಯಾವತ್ತು ಕಾಣಿಕೆ ಮುಂತಾದವುಗಳಿಗೂ ಮತ್ತು ನಮ್ಮ ಅಧಿಕಾರ ವಗೈರೆ ಯೀ ರೀತಿಯಿಂದ ನಡೆಯತಕ್ಕದ್ದು. ಯೀ ವಿಷಯವನ್ನು ನಮ್ಮ ಮನಸ್ಸಿನಲ್ಲಿ ತಂದು ನಾವು ನಮ್ಮ ಮನಃಪೂರ್ವಕವಾಗಿಯೂ ಅತೀಕರುಣಪೂರ್ವಕವಾಗಿ ಕೆಳಗೆ ಕಲಮವಾರ ಬರೆದಂತೆ ವ್ಯವಸ್ಥಾ ಮಾಡುವದೇನಂದರೆ.

೨. ನಿರಾಭಾರಿ ಚರಮೂರ್ತಿಗಳಿಗೂ ಸ್ಥಳ ಮೊಂದಿವ ಕ್ರಿಯಾ ಮೂರ್ತಿಗಳಿಗೂ ಜೇಠಿಕರಿಗೂ ನಾವು ವೀರಶೈವ ಮತದ ಸರ್ವ ವಿರಕ್ತರಿಗೂ ಪ ಸಟ್ಟಚಾರಾಧಿಕಾರಿಗಳಿಗೂ ವ ಭಕ್ತ ಪೂಜೇಶ್ವರರಿಗೂ ಸಹ ಮುಖ್ಯ ಜಗದ್ಗುರುಗಳಿದ್ದು ಹೊಸ ನೈಸೂರಯಿಲಾಖಾ ತುಮಕೂರ ಜಿಲ್ಲಾ ಕುಣಿಗಲಿ ತಾಲ್ಲ ಪೈಕೆ ಯುಪೆಯೂರ ಗ್ರಾಮದಲ್ಲಿರುವ ಶ್ರೀ ಮದನಾದಿ ಸ್ವತಂತ್ರ ತೋಂಟದ ಸಿದ್ಧಲಿಂಗೇಶ್ವರ ಮಹಾಸ್ವಾಮಿಗಳವರ ಪೀಠಕ್ಕೆ ಗುರುಪರಂಪರೆನಾಗಿ ಅಧಿಕಾರಿಗಳಾಗಿದ್ದು ಧಾರವಾಡ ಜಿಲ್ಲಾ ಗದಗ ತಾಲ್ಲು ನಂಬಳ ಪ ಗದಗ ಯೀ ಸಂಸ್ಥಾನ ಮಠಗಳಿಗೆ ಮುಖ್ಯ ಪೂಲಕರು ಯಿರುತ್ತೇವೆ. ಆದ್ದರಿಂದಾ ಹೊಸ ನೈಸೂರ ಪ್ರಾಂತದಲ್ಲಿ ಯಿರುವ ಮಠಗಳು ವ ಯಿನಾಂ ಜಮೀನುಗಳು ಪ ಖಾಲಸತ್ತ ಜಮೀನು ಗ್ರಾಮಗಳು ವಗೈರೆ ನಡೆಯುತ್ತವೆ. ಹಾಗೂ ಸದರೀ ಯಾವತ್ತೂ ಪ್ರಾಂತಗಳಲ್ಲಿ ನಮ್ಮ ಶಿಷ್ಯರೂ ಭಕ್ತರೂ ವಗೈರೆಯವರಿದ್ದು ಅವರ ಕಡೆಯಿಂದಾ ಕಾಣಿಕಾ ವಗೈರೆ ದೊರೆಯುತ್ತವೆ. ನಮ್ಮ ಕೈಕೆಳಗೆ ಅನೇಕ ನಿರಾಭಾರಿ ಚರ ಮೂರ್ತಿಗಳು ವ ಸ್ಥಳ ಹೊಂದಿವ ಕ್ರಿಯಾ ಮೂರ್ತಿಗಳೂ ಮತ್ತು ಜೇಠಿಕ ಮೂರ್ತಿಗಳೂ ವಗೈರೆ ಯಿದ್ದು ನಮ್ಮ ಆಜ್ಞಾ ವ ಅನುಮತಿ ಪ್ರಕಾರ ನಮ್ಮ ಕೆಲಸ ವಗೈರೆ ನಡೆಯಿಸಿ ತಾವು ಏನು ಸಂಸ್ಥಾಪನೆಮಾಡಿದ್ದು ನಮಗೆ ಮುಟ್ಟಿಸುತ್ತಾರೆ. ಯೀ ಯಾವತ್ತೂ ಹಾಗೂ

ನಮಗೆ ಯಿರುವ ಅಧಿಕಾರ ವ ಸತ್ತಾ ವಗೈರೆ ನಮ್ಮ ಸಂಸ್ಥಾನಮಠಕ್ಕೆ ಯಿನಾಂ ಆಗಿ ಸಲೆಯತಕ್ಕ ಸ್ಥಿರಜರ ಆಸ್ತಿಗಳಿಗೂ ವ ನಮ್ಮ ಹಕ್ಕು ಬಾಬು ವಗೈರೆಕ್ಕೂ ನಮಗೆ ಸಲೆಯತಕ್ಕ ಯಿನಾಮು ಸ್ಥಿರಜರಾಸ್ತಿಗಳು ನಮ್ಮ ತಾಬಾದಲ್ಲರತಕ್ಕವುಗಳನ್ನೂ ವ ಬರತಕ್ಕವುಗಳನ್ನೂ ದೊರತಿಸಿಕೊಳ್ಳುವದಕ್ಕೂ ಸಹಿತ ಮುಂದೆ ನಮ್ಮ ಶಿಷ್ಯ ವರ್ಗದಲ್ಲಿ ಸತ್ಪುತ್ರೋತ್ಪನ್ನರೂ ಸದಾಚಾರ ಸಂಪನ್ನರೂ ಸುಶೀಲರೂ ಸದ್ಗುಣ ಭೂಷಿತರೂ ಶಿವಾನುಭವ ಶಾಸ್ತ್ರಕೋವಿದರಂದಂಥಾ ಶ್ರೀ ಜಸ್ಟಬಸವಾರ್ಯ ಚರಮೂರ್ತಿಗಳು (ಉರ್ಫ ಶಿವಯೋಗಿ ಚರಮೂರ್ತಿಗಳು) ಹೌಜಿ ಇಟಗಿ ತಾಲ್ಲು ಯಲಬುರ್ಗಿ ಜಿಲ್ಲಾ ರಾಯಚೂರ ಇವರನ್ನು ಬಾಲ್ಯದಲ್ಲಿ ನಮ್ಮ ಪರಂಪರೆ ಪೂರ್ವಾಪದ್ಧತಿ ಪ್ರಕಾರ ನಮಗೆ ನಮ್ಮ ಸಂಸ್ಥಾನಮಠದಲ್ಲಿ ಬಾಲ್ಯದಲ್ಲಯೇ ವಪ್ಪಿಸಿದ್ದರಿಂದಾ ಮತ್ತು ನಮ್ಮ ಅತ್ಯಸಂತೋಷದಿಂದಾ ನಮಸ್ತ ಸ್ಥೆನಪರ ವ ಶಿಷ್ಯವರ್ಗವ ಸಮಕ್ಷನು ನಾವು ಸರಿಗ್ರಹಿಸಿ ನಮ್ಮ ಆಶ್ರಮ ಧರ್ಮಪಂಚೆ ರಕ್ಷಣೆಮಾಡಿಯೂ ಸುಶೀಲ ಸದರೀ ಜಸ್ಟಬಸವಾರ್ಯ ಚರಮೂರ್ತಿಗಳಿಗೆ ನಮ್ಮ ಪಶ್ಚಾತ್ ನಮ್ಮ ಯಾವತ್ತೂ ಅಧಿಕಾರ ವ ಸತ್ತಾ ವಗೈರೆ ದೊರೆಯಬೇಕೆಂಬುನಮ ನಮ್ಮ ಮನಸ್ಸಿನಲ್ಲಿ ಬಹು ದಿವಸಗಳಿಂದಾ ಗ್ರಹಿಕೆ ಯಿದ್ದದ್ದನ್ನು ಯಿವತ್ತಿನ ದಿನ್ನ ನಾವು ಪ್ರತಿಜ್ಞಪಮಾಡಿದ್ದೇನೆ. ಮತ್ತು ನಮಸ್ತ ಭಕ್ತಜನರು ಸಹ ಯಿವಕ್ಕೆ ಭಕ್ತಿಪೂರ್ವಕವಾಗಿ ವಪ್ಪಿದ್ದಾರೆ. ಯಿದರಲ್ಲಿ ಕಾಣ್ಸಿವ ಕರಾರು ನನ್ನ ಪಶ್ಚಾತ್ ಅನುಲಿನಲ್ಲಿ ಒರಬೇಕು.

೩. ಯಾಕಂದರೆ ಯಿವತ್ತಿನ ಸರೆಗೂ ನಮ್ಮ ಸಂಗಡ ವಿರೋಧವೂ ವ ನಮ್ಮ ತಾಬಾಕ್ಕೆ ಬರತಕ್ಕವುಗಳೂ ನಮ್ಮ ಹಕ್ಕಿನವು ಸಹ ಸದರೀ ಜಸ್ಟಬಸವಾರ್ಯ ಚರಮೂರ್ತಿಗಳವರಿಗೆ ನಮ್ಮ ಸ್ವಾಮಿತ್ವದ ಹಕ್ಕುದಾರರನ್ನಾಗಿ ಮಾಡಿದ್ದೇನೆ. ಮತ್ತು ಸದರೀ ಸ್ವಾಮಿಗಳಿಗೆ ನಮ್ಮ ಸ್ವಾಲಿತ್ವದ ಹೆಸರನ್ನು ದಾಖಲ ಮಾಡಿಸಿಕೊಳ್ಳಲಿಕ್ಕೆ ಹಕ್ಕುದಾರರನ್ನಾಗಿ ಮಾಡಿದ್ದೇನೆ.

೪. ಸದರೀ ಯಾವತ್ತು ಕಲಮುಗಳನ್ನು ಬರೆದ ಹೋಗಿದೆ ನಾವು ನಮಗೆ ತಿಳಿದಷ್ಟನ ಮಟ್ಟಿಗೆ ವ್ಯವಸ್ಥಾ ಮಾಡಿದ್ದೇನೆ. ಯಿದರಲ್ಲಿ ಮತ್ತೇನಾದರೂ ಹೆಚ್ಚಿನ ತಜವೀಜ ಆಗಬಕ್ಕಿದ್ದು ಯಿದ್ದರೆ ಅದನ್ನು ನಮ್ಮ ಪಶ್ಚಾತ್ ಜಸ್ಟಬಸವಾರ್ಯ ಚರಮೂರ್ತಿಗಳಿಗೆ ಏನೂ ಪ್ರತಿಬಂಧಕವಾಗಿರಾರದು ನಮ್ಮ ಪಶ್ಚಾತ್ ಸದರೀ ಚರಮೂರ್ತಿಗಳವರು ಮುಂದೆ ಸದರೀ ಸಂಸ್ಥಾನಮಠಕ್ಕೆ ಯೋಗ್ಯ ರೀತಿಯಿಂದಾ ಅಧಿಕಾರ ನಡಿಸಬೇಕು. ಮತ್ತು ದೇಶಕಾಲಾನುಸಾರವಾಗಿ ಪ್ರಾಪ್ತ್ಯಾಸ್ತ ವಿಷಯದಲ್ಲಿ ಬಹಳ ಜಾಗ್ರತೆಯುಳ್ಳವರಾಗಿ ತಮ್ಮ ಕೀರ್ತಿ ಹೆಚ್ಚಾಗುವಹಾಗೆ ನಡಿಸಿ ನಮ್ಮ ಪೂರ್ಣ ಆಶೀರ್ವಾದಕ್ಕೆ ಪಾತ್ರರಾಗಬೇಕೆಂದು ಯಿಚ್ಛಿಸ್ಯಾ ಯೀ ಮೃತ್ಯು ಪತ್ರವನ್ನು ಮುಗಿಸಿದ್ದೇನೆ. ನಾವು ನಮ್ಮ ಸ್ವಸಂತೋಷದಿಂದಾ ಮತ್ತು ನಮ್ಮ ಸ್ವಂತ ಸಹಿ ವ ನಮ್ಮ ಸಂಸ್ಥಾನಮಠದ ಮೊಹರ ಮಾಡಿದ್ದೇವೆಂದು ಬರೆಸಿನುವ ಮೃತ್ಯುಪತ್ರ ಸಹಿ ತಾರೀಖು ೧೭-೪-೧೯೫೯ ನೇ ಯಿಸ್ವಿ ಶ್ರೀ ವ್ಯಯಿವಾಹನ ಶಕೆ ೧೮೮೧ ನೇ ವಿಕಾರಿನಾಮ ಸಂವತ್ಸರ ಶ್ರಾವಣ ಶು. ೧೪ ರೋಜ ಮಂಗ್ಳವಾರ.

ದಸ್ತೂರು: ಚನಬಸಯ್ಯಾ ಫಕೀರಯ್ಯಾ ಹಿರೇಮಠ ಕಿರಿಗೇರಿ

ಸಹಿ: ಶ್ರೀ ಜಗದ್ಗುರು ತೋಂಟದಾರ್ಯ ಮಹಾಸ್ವಾಮಿಗಳು ಸಂಸ್ಥಾನಮಠ ಡಂಬಳ ಮತ್ತು ಗದಗ.

ಸಾಕ್ಷಿ

‡ ‡ ‡ ‡ ‡ ‡ ‡

ಶ್ರೀ ಜಗದ್ಗುರು ತೋಂಟದಾರ್ಯ ಮಹಾಸ್ವಾಮಿಗಳು ಗುರು ತೋಂಟದಾರ್ಯ ಸ್ವಾಮಿಗಳು ಸಂಸ್ಥಾನಮಠ ಡಂಬಳ ವ ಗದಗ ಲಿಂಗವಂತ ಧರ್ಮೋಪದೇಶ 80 ಮಕ್ಕಳಿಂ ಗದಗ ದಸ್ತೈವಜು ಮಾಡಿಕೊಡುವವರು, ಈ ದಸ್ತೈವಜು ಮಾಡಿಕೊಟ್ಟಿದ್ದಕ್ಕೆ ವಸ್ಪತ್ತಾರೆ ಇವರ ಗುರ್ತು ಸಬ್ ರಜಿಸ್ಟ್ರಾರರಿಗೆ ಸ್ವಧಃ ಆಜೆ.

ಸಹಿ: ಶ್ರೀ ಜಗದ್ಗುರು ತೋಂಟದಾರ್ಯ ಮಹಾಸ್ವಾಮಿಗಳು ಗುರು ತೋಂಟದಾರ್ಯ ಮಹಾ ಸ್ವಾಮಿಗಳು ಸಂಸ್ಥಾನಮಠ ಡಂಬಳ ಮತ್ತು ಗದಗ.

4th November 1959
Sd. English
S. R. Gadag

III ನೇ ನಂಬರದ ಬುಕ್ಕಿನ 2136 ನೇ ನಂಬರಕ್ಕೆ ನೋಂದಿಸಲಾಯಿತು.

4—11—1959

Sd. English
SUB REGISTRAR
GADAG

ಸರಕಾರಿ ಮುದ್ರೆ

"ಖರೆ ನಕಲು ಅದೆ"

Copy applied for on 19.5.1913.
Copy ready on ... 4/6/1913.
Copy delivered or sent by V.P.P. on 5/6/1913.

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Pattadkal
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Judgment in Special Appeal No.277 of 1875. Attorney Assistant Sheristadar.

Andana Swami Guru Andana Swami

(Original Defendant) Appellant.

Versus

Totada Swami Guru Totada Swami

(Original Plaintiff) Respondent.

Special Appeal from the decision of the Judge of Dharwar in Appeal No.360 of 1867.

This being a special appeal, this Court cannot reverse the findings of the District Judge on the issues of fact directed by the late Chief Justice and Mr. Justice Gibbs, when this cause was remanded on the 6th July 1869 by the High Court for retrial, unless there be an error in law or in the investigation of the case, which has produced error or defect in the decision of it upon the merits, as for instance a total absence of evidence in support of the findings of fact.

It has been argued for the first Defendant(Appellant) that there is not any evidence to support the finding that the tenure upon which the Andana Math is held by the first Defendant was such that the Plaintiff was entitled to resume possession of it at his pleasure, and it has been further argued that the District Judge has overlooked the fact that in the Sanads(Exhibits No.114 and No.115) the Defendant is named as Inamdar, and, therefore, that there has been an error in the investigation of the case.

We find it quite impossible to say that there is no evidence to support the finding on the first issue on fact - as regards the tenure by which the Defendant held the Math and as to the right of the Plaintiff to resume it.

Exhibit 46(dated in the Sheka year 1638 and Christian year 1716) though it relates to lands in another village, shows that the Totada Swami was then described as master of the Andana Math, apparently long before there were any Andana Swamis. Thirteen witnesses(Nos.153, 154, 162, 167, 177, 181, 182, 186,

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Judgment in Special Appeal No.277 of 1875.

Assistant Sheristadar

Andana Swami Guru Andana Swami

(Original Defendant) Appellant.

Versus

Totada Swami Guru Totada Swami

(Original Plaintiff) Respondent.

Special Appeal from the decision of the Judge of Dharwar in Appeal No.366 of 1867.

This being a special appeal, this Court cannot reverse the findings of the District Judge on the issues of fact directed by the late Chief Justice and Mr. Justice Gibbs, when this cause was remanded on the 6th July 1869 by the High Court for retrial, unless there be an error in law or in the investigation of the case, which has produced error or defect in the decision of it upon the merits, as for instance a total absence of evidence in support of the findings of fact.

It has been argued for the first Defendant (Appellant) that there is not any evidence to support the finding that the tenure upon which the Andana Math is held by the first Defendant was such that the Plaintiff was entitled to resume possession of it at his pleasure, and it has been further argued that the District Judge has overlooked the fact that in the Sanads (Exhibits No.114 and No.115) the Defendant is named as Inamdar, and, therefore, that there has been an error in the investigation of the case.

We find it quite impossible to say that there is no evidence to support the finding on the first issue or fact - as regards the tenure by which the Defendant held the Math and as to the right of the Plaintiff to resume it.

Exhibit 46 (dated in the Shaky year 1638 and Christian year 1716) though it relates to lands in another village, shows that the Totada Swami was then described as master of the Andana Math, apparently long before there were any Andana Swamis. Thirteen witnesses (Nos.153, 154, 162, 167, 177, 181, 182, 186,

192,195,196,202, and 204) depose to the ownership of the Plaintiff,and to his spiritual and temporal supremacy.Ex. No.50 signed by numerous Swamis, including(as third on the list)the Andana Swami, is a clear acknowledgment of at least his spiritual supremacy. The resumption of the Andana Math by the Plaintiff on the occurence of the lunacy of the first Defendant's immediate predecessor,and the administration thereof for four years by the Totada Swami were acts strongly indicative of supreme temporal & spiritual authority.The lunacy and resumption occured in A.D.1844,at which time the Defendant was a disciple of the Plaintiff resident in the Math.The Defendant was nomi-nated to the office of Andana Swami in 1849,by the Plain-tiff,although the Defendant has asserted,but has failed to prove that he was elected to that office by other persons. Again in ExhibitsNos. 71,72 (dated in 1861) 73,and 74(dated in 1862) which are Sanads,granted by the British Government,of lands,which it is admitted are appendant to the Andana Math,the lands are described as held by the Andana Swami as Vyvatdar(corruptly Whywatdar)of the Tota-da Swami. The learned Counsel for the first Defendant contends that the opposite is the case,but grammatically the word Vyvatdar should follow and not precede the name of the person described as manager. So we have no doubt that the District Judge has rightly understood those documents.It is true that the lands mentioned in them are not the lands in dispute,but being as they are,lands appurtenant to the Andana Math,although not in the same village with it, the inference is strong that the Andana Swami was merely the representative and agent of the Totada Swami in holding those lands. It is true that the District Judge has not mentioned the circumstance that the lands in dispute are stated in two Sanads (Exh 114 and 115) of 1862 as held by the Andana Swamy.But we can not thence infer that he overlooked that fact. Were we to lay it down as a general rule that whenever a District Judge omits to mention a particular item of

evidence of more or less importance,he must be regarded as having left it out of his consideration,scarcely any decree brought up here on special appeal could be sustained under such an ordeal. Moreover the fact that lands stand in a particular name in the Government books or in Government Sanads,though always of some importance,is far from being conclusive as to the ownership of the lands, as experience of many years has taught us here. And the weight of Exhibits 114 and 115 is, and was probably regarded by the District Judge as,much diminished by the circumstance,adverted to by him in the last paragraph but two of his judgment that in the "Official papers"viz,the Sanads already mentioned as Exhibits 71,72,73 and 74,lands admitted to be appurtenant to the Andana Math,but situate in another village, are described as managed by the Andana Swami for the Totada Swami. For these reasons we cannot say that there was not any evidence to support the finding of the District Judge that the tenure of the Math by the first Defendant Andana Swami was such that the Plaintiff was entitled to resume the Math,and secondly that though the first Defendant's appointment as Andana Swami was complete,he is not entitled by virtue of his office to resume possession of the Math,the latter part of which finding on the 2nd issue seems to follow on the finding upon the first issue. We also are unable to say that although the District Judge has not specially mentioned Exhibits 114 and 115 he must be regarded as not having taken them into his consideration and therefore committed an error in the investigation of the case. Holding these views,it is unnecessary for us to notice the facts of this case at any great length. The decrees of the Courts below must be affirmed with

costs.

costs.

26th September 1876.

Sd/- L. R. Westropp.

Sd/- Manackjee Hormusjee.

True Copy.

Deputy Registrar.

Dealer.

The 6th day of June 1913.

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BEFORE THE MYSORE REVENUE APPELLATE TRIBUNAL, BANGALORE.
C A M P: G U L B A R G A.

THE 22nd DAY OF AUGUST 1958.

Case No.8/Hyd/57-58(Misc.)

Present:- 1. Sri M.S.Hiranayya, M.A.I.A.S. Chairman.

2. Sri Mohd. Rahamathulla, M.A. LL.B. IAS. Member.

Sangayya Hiremath S/o Basayya,
Jangam of Rajur village,
Yelburga Taluka
Dist. Raichur.
(Sri Rajpurhoit). ..... Appellant.

Versus:

Thotad Swamy of Gadag.
Dist. Dharwar,
(Sri Kazi Abdur Rauf.) ..... Respondent.

Sub:- Appeal against the order of the Divisional Commissioner, Gulbarga Dated 13-12-1957 in File No.14/87/1957.

Sri V.T.Hiranayya:

J U D G E M E N T.

On 19-6-1955 the present appellant Sangayya S/o Basayya presented an application before the Endowment Assistant, Raichur alleging that the respondent Totad Swamy had got illegal possession of the lands of the Mutt situated in Rajpur village which was really in the enjoyment and possession of the appellant's ~~namely~~ family originally and that the affairs of the Mutt had been mismanaged, the institution itself not serving the purpose for which the endoment was made. An enquiry was made by the Tahasildar who held that the respondent Totad Swamy should be called upon to reconstruction the Mutt building with in a period of 6 months, On 2-12-56, Sangayya the appellant filed an application to declare him as the Inamdar of the land endowed to the Mutt. This was heard by the additional Collector, Raichur, who passed an order on 15-5-57 holding that the respondent is in illegal possession and enjoyment of the inam lands and that therefore the land and the Mutt should be taken under Government management and that succession proceedings should

P.T.O.

should be separately proceeded as per rules. The matter was taken up in appeal by the respondent to the Divisional Commissioner Gulbarga who passed an order the operative portion of which is as follows:-

" Now before me, it is agreed that the appellant is already the Inamdar of the said Math and that he has got necessary title deeds which are as follows:

i). Certified copy of Muntakhab of 1319 F issued by pandit Rai Tolys parshad;

ii). Certified copy of granting succession in favour of the prbsent apellant in 1258 F;

iii). Certified copy of lease deedexecuted by the late father of the respondent, in favour of the present Inamdar, appellant, on 21st Thir 1225 F;

iv). Certified copy of registered lease desd executed by one Parappa in favour of the present Inamdar, Appellant, on 5th Amar 1327 F;

v). Certified copy of statement of Basayya, late father of the respondent dated 27th Amardar 1311F;

vi). Copy of endorsement by the Taluqdar on the statement mentioned above dated 27th Amardar 1311F, and

vii). Copy of the Ativat Enquiry regarding the Inam in the year 1317 F (Firwardi).

It is quite clear from those documents that the appellant is the Inamdar of the land in dispute and the Math in question as he has got the title deeds. There is no need to start succession enquiry as the matter already been concluded. Hence, the order of the Additional collector ordering succession enquiry is set aside. As regards mismanagement of the Math, the Collector will have to takenecessary action according to the rules.

It is against this order that the present appeal has been filed.

2. It is contended by the learned counsel for the applant that the implications of the documentsxxxx already produced by him before the Lower Courts ware not correctly appreciated. These documents include the pahanies for the years 1308 to 1310 F, Setwar 1314 F and Jamabandi files 1319 F. From the Virasat Takta produced by the appellant it is seen that reference is made to S.No.44 and it is stated

(Contd Page 3)

stated to stand in the name of Siddayya and was later to be transfered to the name of Basayya who is the father of the present appellant. It is seen from the records that the S.No. as at present numbered is 42 which was originally 45. As a matter of fact in the Pahani taksa of 1306 F produced the S.No. noted is 42 and the Khatadar's name is Siddayya Kathada. There is a similar statement in the pahani for the year 1310 F. In the Settwar prepared by the Department in the year 1314 F the survey Number is mentioned as 44 and the acreage noted in A-C 6-19 In the Inamdar patrika for the year 1312F S.No.42 and a share is made in Col.23 to the effect that the occupancy is hereditary. It is also seen from the succession statement record that as against S.No.44 a statement is made in Col.20 by the village officers that it is proper to grant succession in the name of Basayy the eldest son of the deceased Siddayya. From the Jamabandi file it is learnt that an enquiry was held but no decision was received. It is clear from these records that there is some colour for the assertion of the appellant that this ancestors were originally in possession of S.No.42. The only difficulty would be as to why S.No.44 has been mentioned in some places and S.No.42 in some others. No valid explanation to this discrepancy has been given so far.

3. On behalf of the respondent Totad Swamy several items of documentary evidence have been produced. The most important is a certified copy of a Muntakhab issued in 1313F in ~~the~~ which title to several villages including S.No.42 of Bajur has been made out in the name of Totad Swamy. This Muntakhab purports have been duly issued by the Nazim Atiyat and is dated [illegible]. Also produced by the respondent are certified copy[illegible] granting succession in favour of Totada Swamy [illegible] points in the same direction as the Muntakhab. Much stress was been laid by the respondent's counsel on a certified copy of a lease deed executed by the deceased father of the appellant in favour of the respondent on 31 Thir 1306 F. (Contd.pg.4)

In this lease deed mention is made of this land as belonging to the respondent andbeing leased to the appellant's father. Records of Atiyat Enquiry have also been produced by the respondent which go to show that the Muntakhab was issued only after due enquiry. In particular there is a statement of appellant's father Basayya recorded before the Superintendent holding Atiyat Enquiry he is said to have stated as follows:

> " One Basayya S/o Siddayya, age 32 years, caste Jangam profession beggar, resident of Rajur Tq.Yelburga deposed that there is assigned one land in the name of Totad Swamy of Gadag, in the said village, measuring about to one Korgi, for the purpose of affording facilities to travellers. There is also situated his Math in the above village. I am appointed by Totad Swamy to look after the Math and to give amenities to the travellers.... The Swamy is the holder and the owner of the inam land alone. I have no concern in that. I am simply as a paid servant to him. Therefore the inam land should be sanctioned in the name of the above swamy.".

4. We are now to judge between these two sets of documents and to assess as to who in law and at the present moment is the holder of this inam. The Muntakhab is naturally the strongest evidence to prove the title to the patta of the Inam land. It is not the respondent who has produced these documents in his favour. It is contended by the learned counsel for the appellant that this Muntakhab cannot be given any special weight because only a certified copy has been produced and not the original. In reply the learned counsel for the respondent has stated that only certified copies were given and not the original. We do not think that on the face of it any evidence has been let in to prove that this Muntakhab is anything but genuine. It is no doubt true that there is a slight discrepancy between the number of the village mentioned in it and in the statement of the respondent on another occassion. But such a discrepancy should not be given undue weight and do not invalidate the implications of a document of the type of Muntakhab issued under due authority by the Nazim Atiyat. Then there is the statement of Basayya the father of the present appellant. It is argued by the learned counsel for the appellant that this statement is a very strange one coming from a person who had actually moved for succession to the inam being made in his name.

(Contd.page 5)

But whatever it be, this statement has been recorded in the course of an enquiry under the Atiyat Act and it should be given due weight. Basayya has clearly stated in that statement that he has no rights so the inam land which he has stated as belonging to the respondent Totad Swamy. As against the weight of the Muntakhab produced by the respondent, we have to consider the importance of the records produced by the appellant. We have already referred to the discrepancy in noting the S.No. in this case. S.No.44 has been mentioned in one place and S.No. 42 in another. It is the latter number that is really in question now. In the pahani extracts, in the Shetwar Register and in the Jamabandi Register too it undoubtedly mentions the name of Siddayya who was the grandfather of the present appellant. This is no doubt a circumstances which will indicate that at certain earlier stage of this matter the ancestors of the present appellant had been registered against this S.No. When asked to explain, the learned counsel for the respondent produced a copy of statement by patwari Totan Gowda of Rajur village dated 20th June 1922 wherein he admits that the succession statement regarding Siddayya was sent by mistake. We no doubt feel that this isolated document which has been produced before us now cannot be assessed at its face value without reference to all other circumstances of the case. But whatever that be, it provides a colourable explanation to the alleged succession proceedings taken after Siddayya's death in favour of his son Basayya.

5. Weighing all the evidence produced by both sides, we are of the opinion that the weight of the Muntakhab presented by the respondent is adequate to support his case. This must be taken along with the fact that he is in actual possession and enjoyment of the lands. The two together would, therefore, make out a very strong case in his favour.

(Contd.Page 6)

There are, therefore, no grounds whatever to interfere with the order passed by the learned Divisional Commissioner in this matter. Under Sec.12 of the Alienat Enquiries Act, the question of possession etc., may be taken before the Civil Court whose final decision is stated to be binding on any Myot court appointed under the Act. The appellant may if he is advised take this course to seek relief. The appeal is dismissed.

Dictated to the stenographer, typescript edited and then pronounced in the open court this 22nd day of August,1958.

Sd/-
(Mohd.Imamuddin, Ia)
Member.

Sd/-
(N.S.Hiranmayya)
Chairman.

File No.Ap'ys'/57-58 Misc. Memo. Bangalore-1, Dt.28/8/58.

1.Copy of the above is forwarded to the Divisional Commissioner Gulbarga Division for information.

2. Copy forwarded to the Commissioner of Disable Enforcement, Bangalore for information and necessary action. His office file bearing V.L.Dis.C1-21(C/56/57/77 is herewith returned.

3. Copy of the above is forwarded to the Deputy Commissioner, Raichur District, for information and necessary action. Divisional Commissioner Gulbarga F.No.14/87/57. Dy.Commissioner, Gulbarga file No.29/56-57 and Yalburga Tahsil office file bearing No.874/136/55 are herewith returned.

Sd/-
(V.Ramanjaiah)
Secretary.
Mysore Revenue Appellate Tribunal.

/True copy/

19.9.58.

Endowment Assistent.
Raichur.

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(ಪ್ರಾಂಶುಪಾಲರ ಸಹಿಯೊಂದಿಗೆ
ವಿದ್ಯಾರ್ಥಿಯ ಸಹಿ)

ದಿನಾಂಕ 14-12-[illegible]

ಪ್ರಾಂಶುಪಾಲರು,
[illegible] ಕಾಲೇಜು,
[illegible].

ಮಾನ್ಯರೇ,

ನಾನು [illegible] ಕಾಲೇಜಿನಲ್ಲಿ ಪ್ರಥಮ ಬಿ.ಎ. ತರಗತಿಯಲ್ಲಿ ವ್ಯಾಸಂಗ ಮಾಡುತ್ತಿದ್ದೇನೆ. ನಾನು ಕಾಲೇಜಿಗೆ ಸೇರಿದಾಗ ನನ್ನ ಹೆಸರು [illegible] ಎಂದು ಇತ್ತು. ಆದರೆ ಈಗ ನನ್ನ ಹೆಸರನ್ನು [illegible] ಎಂದು ಬದಲಾಯಿಸಿಕೊಂಡಿದ್ದೇನೆ. ಆದ್ದರಿಂದ ನನ್ನ ಹೆಸರನ್ನು ಕಾಲೇಜಿನ ದಾಖಲೆಗಳಲ್ಲಿ ಬದಲಾಯಿಸಿಕೊಡಲು ಕೋರುತ್ತೇನೆ.

ಇಂತಿ ತಮ್ಮ ವಿಧೇಯ ವಿದ್ಯಾರ್ಥಿ,

[illegible]

ಸ್ಥಳ: [illegible]
ದಿನಾಂಕ: [illegible]

(ಪ್ರಾಂಶುಪಾಲರ ಸಹಿಯೊಂದಿಗೆ ವಿದ್ಯಾರ್ಥಿಯ ಸಹಿ)

ಸಂಖ್ಯೆ: [illegible]
ದಿನಾಂಕ: [illegible]

ಸೂಚನೆ

ಮೇಲಿನ ವಿದ್ಯಾರ್ಥಿಯ ಹೆಸರನ್~~ಸ್ಥಳೀಯ ಪತ್ರಿಕೆಯಲ್~~ ಬದಲಾಯಿಸಿಕೊಳ್ಳಲು ಅನುಮತಿ ನೀಡಲಾಗಿದೆ. ಆದ್ದರಿಂದ ಅವರ ಹೆಸರನ್ನು ಕಾಲೇಜಿನ ದಾಖಲೆಗಳಲ್ಲಿ ಬದಲಾಯಿಸಿಕೊಳ್ಳಲು ಅನುಮತಿ ನೀಡಲಾಗಿದೆ.

(ಪ್ರಾಂಶುಪಾಲರು)

3 ಸ್ವಾಮಿಯವರು ಅಭಿಷೇಕ ಮಾಡಿಸಿದ ಶಾಸನಗಳ
ಸಂಖ್ಯೆಯೆಷ್ಟು? ಅವುಗಳಲ್ಲಿ ಯಾವುದಾದರೂ
ಮೂರು ಶಾಸನಗಳ ಹೆಸರುಗಳನ್ನು ಬರೆಯಿರಿ.

3 ಶ್ರವಣಬೆಳಗೊಳದ ಬೆಟ್ಟಗಳು ಯಾವುವು?

4 ಶ್ರವಣಬೆಳಗೊಳದ ಬೆಟ್ಟಗಳಲ್ಲಿ ಯಾವುದಾದರೂ
ಎರಡು ಬೆಟ್ಟಗಳ ಹೆಸರುಗಳನ್ನು ಬರೆಯಿರಿ.

3 ಶ್ರವಣಬೆಳಗೊಳದ ಬೆಟ್ಟಗಳನ್ನು ಹತ್ತುವುದು
ಹೇಗೆ?

ಅಭ್ಯಾಸ

ಪದಗಳು ಅರ್ಥ

ಅಭಿಷೇಕ ಪವಿತ್ರವಾದ ನೀರಿನಿಂದ ಮಾಡುವ ಸ್ನಾನ

ಶಾಸನ ಕಲ್ಲಿನ ಮೇಲೆ ಕೆತ್ತಿರುವ ಬರಹ

ಬೆಟ್ಟ ಸುತ್ತಲೂ ಇರುವ ಎತ್ತರವಾದ ಪ್ರದೇಶ

ಸಂಖ್ಯೆ ಎಣಿಕೆ

ಈ ಅರ್ಜಿಯ ಸಂಬಂಧ ಸಂಬಂಧಪಟ್ಟ ಕಛೇರಿಯ ಮೂಲಕ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ

ಅಭ್ಯರ್ಥಿಯು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯಲ್ಲಿ ಕೆಲವು ಅಗತ್ಯ ಮಾಹಿತಿಗಳು ಲಭ್ಯವಿಲ್ಲದಿರುವುದರಿಂದ ಅಭ್ಯರ್ಥಿಯ ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸಲಾಗಿಲ್ಲ

ಅಭ್ಯರ್ಥಿಯು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯಲ್ಲಿ ಕೆಲವು ಅಗತ್ಯ ಮಾಹಿತಿಗಳು ಲಭ್ಯವಿಲ್ಲದಿರುವುದರಿಂದ ಅಭ್ಯರ್ಥಿಯ ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸಲಾಗಿಲ್ಲ

ಅಭ್ಯರ್ಥಿಯು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯಲ್ಲಿ ಕೆಲವು ಅಗತ್ಯ ಮಾಹಿತಿಗಳು ಲಭ್ಯವಿಲ್ಲದಿರುವುದರಿಂದ ಅಭ್ಯರ್ಥಿಯ ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸಲಾಗಿಲ್ಲ

ಅಭ್ಯರ್ಥಿಯು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯಲ್ಲಿ ಕೆಲವು ಅಗತ್ಯ ಮಾಹಿತಿಗಳು ಲಭ್ಯವಿಲ್ಲದಿರುವುದರಿಂದ ಅಭ್ಯರ್ಥಿಯ ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸಲಾಗಿಲ್ಲ

ਸਾਹਿਬਾਂ ਦੇ ਸਮਾਧ ਸਥਾਨ ਹਨ ਜਿਥੇ ਹਰ ਸਾਲ ਮੇਲੇ ਲਗਦੇ ਹਨ।

ਇਸ ਤੋਂ ਇਲਾਵਾ ਇਸ ਇਲਾਕੇ ਵਿਚ ਕਈ ਹੋਰ ਪੁਰਾਤਨ ਸਥਾਨ ਵੀ ਹਨ ਜਿਨ੍ਹਾਂ ਦੀ ਸੰਭਾਲ ਨਹੀਂ ਕੀਤੀ ਗਈ। ਇਨ੍ਹਾਂ ਵਿਚੋਂ ਕੁਝ ਸਥਾਨ ਤਾਂ ਅਲੋਪ ਹੋਣ ਦੇ ਕਿਨਾਰੇ ਤੇ ਹਨ। ਇਨ੍ਹਾਂ ਵਿਚੋਂ ਕੁਝ ਸਥਾਨਾਂ ਦੀ ਸੰਭਾਲ ਲਈ ਸਥਾਨਕ ਲੋਕਾਂ ਵਲੋਂ ਕੁਝ ਉਪਰਾਲੇ ਵੀ ਕੀਤੇ ਗਏ ਹਨ ਪਰ ਇਹ ਉਪਰਾਲੇ ਨਾਕਾਫੀ ਹਨ। ਇਨ੍ਹਾਂ ਸਥਾਨਾਂ ਦੀ ਸੰਭਾਲ ਲਈ ਸਰਕਾਰੀ ਪੱਧਰ ਤੇ ਵਿਸ਼ੇਸ਼ ਉਪਰਾਲੇ ਕਰਨ ਦੀ ਲੋੜ ਹੈ। ਇਹ ਸਥਾਨ ਸਾਡੇ ਇਤਿਹਾਸ ਦੀ ਅਮੀਰ ਵਿਰਾਸਤ ਦਾ ਹਿੱਸਾ ਹਨ ਅਤੇ ਇਨ੍ਹਾਂ ਦੀ ਸੰਭਾਲ ਸਾਡੀ ਜ਼ਿੰਮੇਵਾਰੀ ਹੈ।

ਇਸ ਇਲਾਕੇ ਵਿਚ ਕਈ ਪੁਰਾਤਨ ਖੂਹ ਵੀ ਹਨ ਜਿਨ੍ਹਾਂ ਵਿਚੋਂ ਕੁਝ ਖੂਹ ਤਾਂ ਅਜੇ ਵੀ ਵਰਤੋਂ ਵਿਚ ਹਨ ਪਰ ਕੁਝ ਖੂਹ ਅਲੋਪ ਹੋਣ ਦੇ ਕਿਨਾਰੇ ਤੇ ਹਨ। ਇਨ੍ਹਾਂ ਖੂਹਾਂ ਦੀ ਸੰਭਾਲ ਲਈ ਵੀ ਕੁਝ ਉਪਰਾਲੇ ਕੀਤੇ ਗਏ ਹਨ ਪਰ ਇਹ ਉਪਰਾਲੇ ਨਾਕਾਫੀ ਹਨ। ਇਨ੍ਹਾਂ ਖੂਹਾਂ ਦੀ ਸੰਭਾਲ ਲਈ ਸਰਕਾਰੀ ਪੱਧਰ ਤੇ ਵਿਸ਼ੇਸ਼ ਉਪਰਾਲੇ ਕਰਨ ਦੀ ਲੋੜ ਹੈ। ਇਹ ਖੂਹ ਸਾਡੇ ਇਤਿਹਾਸ ਦੀ ਅਮੀਰ ਵਿਰਾਸਤ ਦਾ ਹਿੱਸਾ ਹਨ ਅਤੇ ਇਨ੍ਹਾਂ ਦੀ ਸੰਭਾਲ ਸਾਡੀ ਜ਼ਿੰਮੇਵਾਰੀ ਹੈ।

ಸಾಮಾನ್ಯ ಸಭೆಯ ಠರಾವು ಸಂಖ್ಯೆ ೨೦೦೯-೧೦

ಬಿಬಿಎಂಪಿಯ ಸಾಮಾನ್ಯ ಸಭೆಯ ಸಭೆಯು ದಿನಾಂಕ ೨೭.೦೭.೨೦೦೯ರಂದು ಬೆಳಿಗ್ಗೆ ೧೧.೩೦ ಗಂಟೆಗೆ ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಸಭಾಂಗಣದಲ್ಲಿ ಮಹಾಪೌರರಾದ ಶ್ರೀಮತಿ ಪದ್ಮಾವತಿ ಅವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನಡೆಯಿತು. ಸಭೆಯಲ್ಲಿ ಉಪಮಹಾಪೌರರಾದ ಶ್ರೀ ಎಸ್.ಹರೀಶ್, ಆಯುಕ್ತರಾದ ಶ್ರೀ ಎಸ್.ಸುಬ್ರಹ್ಮಣ್ಯ, ವಿಶೇಷ ಆಯುಕ್ತರಾದ ಶ್ರೀ ಎಂ.ಲಕ್ಷ್ಮೀನಾರಾಯಣ, ಶ್ರೀ ಎಂ.ಆರ್.ರವಿ, ಶ್ರೀ ಎಂ.ಎಸ್.ಶಿವಣ್ಣ, ಶ್ರೀ ಎಂ.ಎಸ್.ಶಿವಪ್ರಸಾದ್

ಪ್ರತಿವಾದಿಯವರು

2 ಮಾನ್ಯ ಪ್ರಥಮ ದರ್ಜೆ ನ್ಯಾಯಾಲಯ ಸಾಮಾನ್ಯವಾಗಿ ಅಭಿಪ್ರಾಯ
ಪಡುವ ಪ್ರಕರಣಗಳಲ್ಲಿ ಅಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ಅಭಿಪ್ರಾಯ
ಪಡುವ ಪ್ರಕರಣಗಳಲ್ಲಿ ಕಂಡುಬಂದ ವಿಷಯಗಳಲ್ಲಿ ವಿಚಾರಣೆ
ಮಾಡಿ ತೀರ್ಮಾನ

ಮಾನ್ಯ ಪ್ರಥಮ ದರ್ಜೆ ನ್ಯಾಯಾಲಯ ಪ್ರಕರಣ ಸಂಖ್ಯೆ

ಮತ್ತು ಪ್ರಕರಣಗಳಲ್ಲಿ ಪ್ರತಿವಾದಿಯವರು ಮಾಡಿದ

ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಿ ಪ್ರಕರಣವನ್ನು

77 ರಿಂದ 32 ನೇ ಅಡಿಷನಲ್ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು.

ಪ್ರಕರಣವನ್ನು ಮಾನ್ಯ ನ್ಯಾಯಾಧೀಶರವರು

ಅವರ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಸಮ್ಮತಿಸಿ ಸಂಖ್ಯೆ 77 ನೇ

ನ್ಯಾಯಾಲಯವನ್ನು ಬಿಟ್ಟು ಸಂಖ್ಯೆ 32 ನೇ

ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಪ್ರಕರಣವನ್ನು

ವರ್ಗಾಯಿಸಿದ್ದಾರೆ. ಪ್ರಕರಣವನ್ನು ಸಂಖ್ಯೆ

ಅಭಿಪ್ರಾಯಪಡುವ ಪ್ರಕರಣಗಳಲ್ಲಿ ಅಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ

ಕಂಡುಬಂದ ವಿಷಯಗಳಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಿ

ತೀರ್ಮಾನ ಮಾಡಿ ಅಭಿಪ್ರಾಯಪಡುವ ಪ್ರಕರಣಗಳಲ್ಲಿ

ಅಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ಕಂಡುಬಂದ ವಿಷಯಗಳಲ್ಲಿ

ವಿಚಾರಣೆ ಮಾಡಿ ತೀರ್ಮಾನ ಮಾಡಿ

ಅಭಿಪ್ರಾಯಪಡುವ ಪ್ರಕರಣಗಳಲ್ಲಿ ಅಂತಹ

5000

5000

4000

3000

5000

5000

ਸਾਰੀ ਸੰਗਤ ਨੂੰ ਬੇਨਤੀ ਹੈ ਕਿ ਸਾਰੇ ਆਪਣੇ ਆਪਣੇ ਘਰਾਂ ਵਿਚ ਸਾਫ਼ ਸਫ਼ਾਈ ਰੱਖਣ ਅਤੇ ਆਪਣੇ ਆਲੇ ਦੁਆਲੇ ਦੀ ਸਫ਼ਾਈ ਦਾ ਵੀ ਖ਼ਾਸ ਧਿਆਨ ਰੱਖਣ ਤਾਂ ਜੋ ਕਿਸੇ ਵੀ ਤਰ੍ਹਾਂ ਦੀ ਬਿਮਾਰੀ ਫੈਲਣ ਦਾ ਡਰ ਨਾ ਰਹੇ। ਇਸ ਸਬੰਧੀ ਸਿਹਤ ਵਿਭਾਗ ਵੱਲੋਂ ਵੀ ਸਮੇਂ ਸਮੇਂ ਤੇ ਜਾਣਕਾਰੀ ਦਿੱਤੀ ਜਾਵੇਗੀ। ਸਾਰੇ ਸੰਗਤ ਜੀ ਦਾ ਸਹਿਯੋਗ ਦੇਣ ਲਈ ਧੰਨਵਾਦ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।

ਸਾਰੀ ਸੰਗਤ ਨੂੰ ਬੇਨਤੀ ਹੈ ਕਿ ਸਾਰੇ ਆਪਣੇ ਆਪਣੇ ਘਰਾਂ ਵਿਚ ਸਾਫ਼ ਸਫ਼ਾਈ ਰੱਖਣ ਅਤੇ ਆਪਣੇ ਆਲੇ ਦੁਆਲੇ ਦੀ ਸਫ਼ਾਈ ਦਾ ਵੀ ਖ਼ਾਸ ਧਿਆਨ ਰੱਖਣ ਤਾਂ ਜੋ ਕਿਸੇ ਵੀ ਤਰ੍ਹਾਂ ਦੀ ਬਿਮਾਰੀ ਫੈਲਣ ਦਾ ਡਰ ਨਾ ਰਹੇ। ਇਸ ਸਬੰਧੀ ਸਿਹਤ ਵਿਭਾਗ ਵੱਲੋਂ ਵੀ ਸਮੇਂ ਸਮੇਂ ਤੇ ਜਾਣਕਾਰੀ ਦਿੱਤੀ ਜਾਵੇਗੀ। ਸਾਰੇ ਸੰਗਤ ਜੀ ਦਾ ਸਹਿਯੋਗ ਦੇਣ ਲਈ ਧੰਨਵਾਦ ਕੀਤਾ ਜਾਂਦਾ ਹੈ।

ಸಂಖ್ಯೆ

ಕರ್ನಾಟಕ ವಿಧಾನಸಭೆ ಸಚಿವಾಲಯ ಸಚಿವಾಲಯ

ಸಚಿವಾಲಯ ಸಚಿವಾಲಯ

Govern[illegible] Madras

Cutt-II-26(2) 23,502
10-4-13

Received - - - 191 , Registered - - 191

exhibit

[illegible] collector's office
[illegible]

[illegible] decree Dated - [illegible]

G.O - 0235 Dated [illegible] February 191[illegible]

[illegible] Read the following papers

[illegible] from the Deputy Collector requesting to be relieved of the duties of Returning Officer for the Election to the Town [illegible] Municipality

Dated the 15th December 1913.

[illegible] dear -

I am directed to request that the petitioners may be informed that the Government do not consider that the petitioner's contention that the Deputy Collector should be exempted from personal appearance in Civil Courts under Section 133 of the Code of Civil Procedure is correct and that the observations of Sections 13 to 16 of the Indian Oaths Act 1873, which are said to have been granted to the servants of the Government of Bombay is valid throughout the British dominions

[illegible] the petitioners [illegible] for chief Secretary

[illegible] 6 Sir 2/17
14
Forwarded

No. 0/S.

Office of the Governor's Secretary
Government House,
Ganeshkhind, 20th September 1940.

From:-

J. A. Irwin, Esquire, M.B.E., M.C., I.C.S.,
Secretary to the Governor of Bombay.

To:-

Shrimanmaharaja Niranjan Jagadguru Tontacharya
Mahaswamy,
Poosalan Math, Kambal Anand,
S A N A G.

Sir,

I am directed to acknowledge the receipt of your letter of the 8th September 1940 in which you inform His Excellency of the prayers which were offered on that day for the victory of His Majesty's forces. His Excellency greatly appreciates the action of your followers in joining with the whole Empire in the offering of prayers and desires me to send you his warm thanks for your message.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to the Governor of Bombay.

APPEAL No. 119 OF 1938 FROM ORIGINAL DECREE.

(With First Appeals Nos. 114 AND 115 OF 1938).

Shri Murusawirmath, by its Pattadhikari Shri
Jagadguru Guruchiddha Rajayogindraswami Guru
Gangadharswami Murusawirmath. (Original Plaintiff)) Appellant,

versus.

Narayan Babaji Borvankar. (Original Defendant No. 1).. Respondent

Appeal against the decision of G.A.Balse, Esquire, First Class Subordinate Judge at Dharwar in Special Suit No.73 of 1932

Mr. A.G.Desai and Mr. B.M.Kalagati for the Appellant.

Mr. P.B.Gajendragadkar and Mr. K.G.Datar for the Respondent.

First Appeal No. 114 of 1938.

Mr. A.G.Desai and Mr.B.M.Kalagati for the Appellant.

Mr. S.R.Joshi for Respondent No. 6.

Mr. N.M.Hungund for Respondents Nos. 8 to 10.

Mr. G.P.Murdeshwar and D.D.Yennemadi for Respondent No. 17.

First Appeal No. 115 of 1938.

Mr. A.G.Desai and Mr. B.M.Kalagati for the Appellant.

Mr. G.R.Madbhavi for Respondents Nos. 5 to 7 and 22.

Mr. R.A.Jahagirdar and Mr.N.T.Deshpande for Respondents Nos. 8 to 11, 13, 15 to 21.

Mr. H.B.Gumaste for Respondents Nos. 11, 13, 15, 16 and 17 to 21.

Mr. G.R.Madbhavi and Mr. K.R.Bengeri for Respondents Nos. 23 and 25.

Mr. S.B.Jathar and Mr. K.R.Bengeri for (Mr.G.K.Walvekar) for Respondent No. 26.

26th June 1941.

(Coram: Broomfield and Wassoodew, JJ.)

Oral Interlocutory Judgments:(per Broomfield,J):- These are companion appeals by the plaintiff in three suits to recover possession of lands in the town of Hubli which have been dismissed by the First Class Sub-Judge of Dharwar. There were originally six suits but three of them have during the course of the hearing of the appeals been settled out of Court.

The plaintiff claims to be Swami and Mathadipati,i.e. head of a Lingayat Math at Hubli called Shri Murusavirmath, and his case is that the lands in question which belong to the Math were wrongfully alienated by a former Swami, his Guru's Guru, Gurushiddaswami.

In suit No. 73 of 1932 in which the main judgment was delivered and the property consists of part of survey No. 37 which is said to have been given to the Math by one Basalingappa in 1859. Gurushiddaswami leased it on the 15th of March 1888 by a permanent lease to the brother of defendant Borvankar. After Gurushiddaswami's death , which took place in 1897, the succeeding Swami - -

Gangadharswami executed a new lease on the 17th of April 1907 confirming the old lease but reducing the rent from Rs. 40 to Rs. 30 a year. On the 5th of May 1910 deeds of rectification were executed in counterpart making the lease binding not only on the lessee and his heirs but on their assigns also and - - providing that in default of payment of rent interest should be payable. Gangadharswami died on the 31st of August 1920. Plaintiff claims to have been appointed Mathadipathi in 1925.

The principal defences to the suit were (1) that - - plaintiff and his predecessor Gangadharswami were not duly - - appointed in accordance with the custom of the Math ; (2) that the land covered by the lease was Guruchiddaswami's private property and not the property of the Math ; (3) that the alienation was for necessary purposes and therefore valid and (4) that the suit was barred by time.

The leases in the main suit are Exhibits 91, 89 and 90. In suit No. 76, First Appeal No. 114, the lease is Exhibit 116 dated 18th February 1888. The rent was Rs. 25 a year paid in - advance for ten years and then Rs. 20 a year. In suit No. 80, First Appeal No. 115, the lease is Exhibit 142 dated the 18th of November 1887. The rent was Rs. 50 a year for the first six years paid in advance and then Rs. 25 a year. The other suits , as I have said , have been settled, but it may not be out of

place to mention the facts about these leases also. In suit No. 74, First Appeal No. 116, the lease is Exhibit 698 dated 16th February 1888. The rent was Rs.25 a year for ten years paid in advance and then Rs.20. In suit No.81, First Appeal No. 117, the lease is Exhibit 55 dated the 21st of December 1887. The rent was Rs. 45 a year and was paid in advance for the first four years. There were two later leases taken by the same lessor and the second of these Exhibit 697 dated 1st January 1894 raised the rent to Rs.200 a year. In suit No. 75, First Appeal No. 118, the lease is Exhibit 54 dated the 1st of January 1888. A sum of Rs. 249-11-0 was paid in advance as the rent for 8½ years and after that the rent was Rs.15-9-8 a year. The areas leased ranged from 1,340 to 5,000 square yards and the permanent rents from 1/46th to 1/220th part of a - - rupee per square yards The highest of these rents viz. 1/46th o a rupee per square yard became 1/10th of a ~~m~~ rupee when the re was raised to Rs.200 a year. That is in suit No. 81. None of the leases in the other suits was formally renewed by Gangadharswami but he did not repudiate them , although it appears that he did cancel a number of permanent leases executed by his predecessor. So far as the leases in these suits are concerned he accepted the rent from the lessees. The main defences in these other suits are the same as in suit No. 73. There are a few minor points - - arising in connection with them which will be dealt with later on.

The findings of the learned trial Judge on the principal issues are that the plaintiff and Gangadharswami were not duly appointed Swamis and that the Plaintiff, therefore has no right to sue, that the alienations were all for legal necessity and that the suits are barred by limitation. He held in the plaintiff's favour that the suit lands belonged to the Math and were not the private property of Gurushiddaswami.

There is an enormous mass of evidence oral and documentary on the subject of the custom of the Math and the question whether plaintiff has been duly appointed Swami in accordance with it. We have not thought it necessary to examine this evidence and are therefore not in a position to say whether the trial Judge's finding against the plaintiff is or is not correct. In our opinion the question is irrelevant in these suit because it is abundantly clear that the plaintiff, whether his appointment was strictly in accordance with the custom of the Math or not, has been de facto in possession and management ever since his appointment in 1925. That is enough to entitle him to sue for the purpose of recovering Math property.

It appears that after Gangadharswami's death the Math was managed by a committee. Applicants were invited for the

post of Swami and plaintiff who was already Swami of another Math was selected as the most suitable person. It was resolved to appoint him Swami at a meeting publicly notified beforehand of the Shettars and elders of Hubli and Dharwar and the managing committee. This meeting was held on the 2nd of March 1925 and the resolution then passed was confirmed at a second meeting held on the 2nd of November 1925. The proceedings of these meetings and of the managing committee are on record. There is also a formal deed of appointment signed by more than 200 persons. Plaintiff was installed on the 25th of November 1925 and the properties of the Math were then handed over to him by the managing committee. They were afterwards mutated in his name in the Record of Rights. Ever since his appointment he has been the undisputed manager of the institution, making leases of the property, filing suits and so on. He obtained a succession certificate to enable him to recover sums due to the Math. In a former suit which came up to the High Court his right to recover as Swami properties of the Math wrongfully alienated was recognised. As a Swami he was entered in the list of persons exempt from attendance in Court and his evidence in the present suits was taken on commission in the premises of the Math. All these facts are proved by overwhelming oral and documentary evidence and are not really disputed. The principal defendant i.e. the defendant in suit No. 73 has himself admitted in his

deposition that the plaintiff is managing the Math and its properties and has been doing so since 1925.

In these circumstances the fact that no formal issue was framed as to plaintiff's right to sue as de facto head of the Math is not material : see Mahadeo Prasad Singh v. Karia Bharti 62(1934) I.A. 47. But it may be mentioned that the plaintiff formally applied on the 31st of August 1935 stating that as manager in possession he was entitled to sue , whatever view the Court might take of the validity of his appointment, and asking leave to amend his pleadings if necessary. The application was rejected, the reasons given being (1) that plaintiff had not pleaded that he was in possession , (2) that he could not be allowed to plead it then and so make a new case because by that time more than 12 years had elapsed since the death of his predecessor and the suits could not therefore be in time, (3) that it was too late as evidence had already been recorded. These reasons appear to us to be quite insufficient . In the plaint the plaintiff described himself as Swami and Pattadhikari of the Math . In paragraph 11 of the plaint he stated that he had demanded possession of the property from the defendants and had been compelled to sue because the defendants refused to give him possession . That statement shows that he was not merely a titular Swami

but in management and control of the Math. In none of the written statements was his possession disputed. The claim to be entitled to sue by reason of his possession irrespective of his title but without giving up his claim to be duly - - appointed was not in any way inconsistent with the plaint or a new case. His original claim as head of the Math would naturally include both characters, de jure and de facto. No question of limitation arose therefore, and as for the x application being made late , only the plaintiff himself and one witness had been examined at the time the application was made, and after that the learned Judge proceeded to hear hear k evidence , which on the footing that plaintiff was de facto head of the Math was largely irrelevant, for about a year and a half. The plaintiff subsequently made two - - further applications for the same purpose which were also rejected. We need not refer to these. We think that having regard to Order VI, rule 17, the trial Judge was clearly wrong in refusing to recognise the plaintiff's undoubted right to maintain this litigation on behalf of the Math.

I now proceed to discuss the relevant issues in the case and I will take them in the order in which they were dealt with in the arguments. First of all there is the question of limitation which undoubtedly gives rise to some difficulty.

Prior to the case of Vidya Varuthi Thirtha v. Balusami Ayyar (1921) 48 I.A. 302 there was a conflict of authority as to the law of limitation applicable to a suit by a Mahant or he of a Math to recover Math property wrongly alienated by a previous Mahant. Some High Courts applied article 134. It wa held by the Privy Council in Vidya Varuthi's case that a Mahant is not a trustee and therefore article could not appl; Therefore, the only article applicable was 144 and the proper could be recovered unless the alienee could prove adverse pos session for 12 years. As to the application of Article 144, Their Lordships held that time was to be counted not from the date of the alienation but from the death of the alienating Mahant, or in the case of a permanent lease, if the succeedin Mahant had consented to the lessee's possession, then from th death of the succeeding Mahant. The passage in which this pro. position is laid down is very important for our purposes and is as follows:-

"He(Plaintiff) was let into possession by Mahant No.1 under a lease which purported to be a permanent lease, but which under the law could endure only for the grantor's life. time. According to the well-settled law of India, (apart from the question of necessity, which does not here arise)a Mahant is ~~xxxxxx~~ incompetent to create any interest inrespect of the

Math property to endure beyond his life. With regard to Mohant No. 2, he was vested with a power similarly limited. He permitted the plaintiff to continue in possession and received the rent during his life. Such receipt of rent was with the knowledge which must be imputed to him that the tenancy created by his predecessor ended with his predecessor's life, and can, therefore, only be properly referable to a new tenancy created by himself. It was within his power to continue the tenancy during his life, and in these circumstances, the proper inference is that it was so continued and consequently the possession never became adverse until his death."

In this connection I may refer to sections 116 and 111 of the Transfer of Property Act. Section 116 says this:-

" If a lessee or under-lessee of property remains in possession thereof, after the determination of the lease granted to the lessee, and the lessor or his legal representative accepts rent from the lessee or under-lessee, or otherwise assents to his continuing in possession, the lease is, in the absence of an agreement to the contrary, renewed from year to year or from month to month according to the purpose for which the property is leased".

Section 111 states the circumstances in which a lease is determined. It provides inter alia that where the interest

of the lessor in the property terminates on, or his power to dispose of the same extends to only to, the happening of any event, the lease is determined by the happening of such event. This is early Hindu and has in fact been held to mean that a person having only a life-interest grants a permanent lease the lease is determined and becomes void on his death.

In the year 1929 i.e., three years prior to the institution of these suits, a new article 134-B was enacted. It provides a period of limitation of 12 years for suits by the manager of a Hindu, Mohamden or Buddhist, religious or charitable endowment to recover possession of immoveable property comprised in the endowment which has been transferred by a previous manager for a valuable consideration. The time is made to run from the death, resignation or removal of the transferror. Both sides have argued the case on the footing that article 134-B applies Mr. Desai for the Appellant contended in the alternative that if article 134-B has the effect of making limitation runs from the death of the original transferor Gurushidswami and thereby has changed the law, the case ought to be decided independently of the amending Act of 1929, and in that connection he cited Gopeswar Pal V. Jiban Chandra Chandra(1914) I.L.R. 41 Cal.112 That we think to be a very doubtful argument but we need not discuss it, because we are satisfied that the new article did

not change the law but merely clarified it and removed uncertainty as was pointed out in Ram Kishore Das Mohanta V. Gorga Gobind Pati I.L.R. 1937(2) Cal,242.

Having decided that the case is governed by the article 134-B we have next to consider its application to the facts of the present case. Mr.Desai has relied on the rule laid down in Vidya Varuti's Case and argues that as the permanent leases entered into by Gurushiddswami ceased to be valid on his death and as the acceptance of rent by Gangadharswami had the effect of creating a new tenancy, it is that latter transfer whihe alone is material and time under the article is to be counted from the death of Gangadharswami in 1920. If that is correct, the suits are in time. On the other hand, it has been argued for the defendants that the word" transferee" in article 134-B can only hexrefer to Gurushiddswami, the original lessor and could not apply to any tenancy created merely by consent to possession or acceptance of rent. As a matter of construction I do not think this view can be accepted. If the leases executed by Gurushiddswami determinedand ceased to be operative on his death we are no longer concerned with those leases. The only operative transfers are those arising from the conduct of Gurushiddswami and time must run from them under Article 134-B as it would formerly have done under Article 134. That the leases did

determine on Gurushiddasami's death, seems to be clear not only from what the Privy Council have said in Vaidya Maruthi's case but also from the law of Landlord and tenant.

Another argument which was strongly pressed on - - behalf of the defendant in the main appeal and adopted on behalf of the other defendants is that the rule laid down in Vidya Maruthi's case has been modified by certain observations of Their Lordships in a later case Shrimath Daivashikhamani Jonnambala Desikar Vs. Periyanna Chetti (1936) 63 I.A. 261, and that in view of these observations it ought to be held on the facts of the present case that Gurushiddappaswami's lease were never determined and that no new tenancies were created by Gangadharaswami. In Jonnambala's case, the Manager of a Hindu Temple granted a perpetual cowle or - - lease of temple land in 1865. He died in 1875. After him - there were two or three managers ending with one A who - - died in 1893. All of these accepted rent from the lessees and so far as they were concerned their Lordships applied the rule in Vidya Maruthi's case. A was succeeded by one T and the apparently the evidence did not make it clear whether he accepted rent or not. T Died in 1902 and there was then a de facto Manager N who from 1903 onwards at any rate received rent from the lessees. During his time the

the lessees made various alienations of parts of the lands leased for building purposes. He was removed from the Managership on 1913 and on 1917 the next Manager sued to recover possession. It was held , however by the Privy Council, that the lessees had had more than 12 years adverse possession under the cowle after 1902, and that the suit was therefore barred.

There are two passages in this judgment to which particular reference should be made. At P. 677 their Lordships say that:-

> " It may, perhaps be noted if the Manager by whom the ;ease granted be called Manager No. 1 , and his successors refer to by numbers- that as time goes on the question whether the lease was originally justified by necessity will become less easy to answer, and that after a time even if Manager No. 4 or 5 knows of the absence of necessity for the lease, it may be necessary to consider whether he also knows of and can be taken to rely upon, the presumption which imputes such knowledge to all of his predecessors. When Nataraja succeeded in 1902 what was the position ? The Cowle of 1865 was 37 years old, and three or four Managerships had intervened. The Chetti temples, or the Cowledars, had, since, 1897, been alienating parcels of land for building purposes, and building had been begun. Thandavira-ya's suits of 1900 did not challenge the cowle as being then invalid though upon the footing that it still subsisted the suits were misconceived. The defendants to those suits were sued as trespassers, and and not as persons having taken title under the cowle. It was the defendants who set up the cowle. They set up also that by acts of possession the cowledars had added by prescriptions to their rights under the cowle most probably a vain contention but the case made by

Thandavarya was that they had no registered transfers from the cowledars, and that the cowle [illegible] without delivering The suits were dismissed on the ground that, at the cowle surrendered, the Plaintiff had no locus standi to sue in - - ejectment whether the defendants were trespassers or not. The cowledars were not impleaded at all ".

Then at P. 292 there is this passage:-

" The question for decision is as to the proper - - - inference to be drawn from these facts-- whether it is that Natarajа knowing of the infirmity of the cowle, accepted the cowle rent as payable in respect of a new tenancy, which it was in his power either to create for the period of his own managership or to create for a shorter period and to continue from time to time, or whether on the other hand it is that he accepted it as payable in respect of a permanent right which it was no longer in the power of his temple to repudiate. Their Lordships are of opinion that the latter of these - - - alternatives is the only one of which the facts permit. There is no doubt that from 1902 until the original Plaintiff in these suits was appointed Receiver in 1917 the position of the cowledars in no way altered, their adverse possession under the cowle thus extended over twelve years ".

On the facts Ponnambala's case is clearly distinguishable from the present. There was there a succession

of two or three Managers after the original alienor who had recognised the alienations and according to the rule in Vidya Varuthi's case created new tenancies. Then there was an interval when the evidence did not show whether the lease was recognised or not and lastly there was a de facto Manager who received some rent but made no objection to the alienation of the - - - leased land by the lessees. Under the circumstances the finding that there was no new tenancy created by M so as to give a fresh start of limitation to the succeeding manager does not seem to only any modifications of the rule in Vidya Varuthi's case, which indeed is expressly referred to and re-affirmed in Ponnambalm's case. Nor can I find anything in the circumstances of the present case which is consistent with the application of the rule. As I have mentioned Gangadharswami cancelled a number of the leases executed by Guruchiddaswami which shows that he was aware of his right to do so. The fact that he did not cancel these particular ones does not in my opinion justify the inference that he considered that they were binding upon him. Moreover, a mistake opinion on a matter of that kind, though it might be relevent on the question of adverse possession, could hardly affect the determination of the leases by operation of Law.

In the case of the lease which is the subject of the main appeal Gangadhar swami took fresh documents in his own name. Both sides have relied on this circumstance. On behalf of Plaintiff

it has been argued that as the conditions of the lease were altered in material respects it impossible to contend that the original lease remains in force in its entirety and to some extent at any rate the defendants' rights and liabilities derive from Gangadharswami. That seems to be indisputable. The defendants on the other hand rely on the fact that Gangadh swami's documents refer to the original lease as being kept intact except where modified. But this may be merely another way of saying that Gangadharswami elected to ratify these term and in effect incorporate them in his own lease. There may have been various reasons for his doing that. One cannot - - reasonably, infer an admission that it was beyond his power to alter any of the terms. In my opinion the rule in Vidya Varuthi's case must be treated as being still in force and as applicable by Gangadharswami both in suit No.73 and in the other suits and all the suits are in time under article 134 B and not barred as held by learned Trial Judge.

This construction of the article no doubt involves the consequence that a permanent lease of the property of a religious or charitable institutions may be liable to be - - impugned after the lapse of any period of time provided that successive managers have received the rent. In practice, howeve that would not be so because, as will appear from some of the cases to which I am now about to refer in another connection,

after a sufficiently long period of acquiescence the Court would undoubtedly assume that the original lease must have been for legal necessity, in which case of course it would be valid and could be set aside.

There there the issue as to legal necessity. The learned Trial Judge presumed the existence the legal necessity in view of the lapse of time. He thought that he was justified in doing this by two Privy Council cases. In Hari Kapniram Chavan Vs. Kasturbhai Manibhai (1921) 49 I.A. 54 a case of a permanent lease made in 1924 it was not clear as to the alienor who was a female was a shebait, but the Privy Council held that even if she was it was reasonable to presume necessity because " at the lapse of a 100 years, when every party to the original transaction has passed away, and it completely impossible to ascertain what were the circumstances which caused the original grant to be made, it is only following the policy which the Courts always adopt, of securing as far as possible quiet possession to people who are in apparent lawful holding of an estate, to assume that the grant was lawfully and not unlawfully made ". There Lordships followed Shocklingam Vs. Mayandi Chettiar (1896) I.L.R. 19. Mad. 495 where the alienation was 60 years old and there were special circumstances from which the propriety of the alienations could be presumed.

Banga Chandra Dhar Biswas Vs Jagat Kishore Acharya Chowdri 1916) I.L.R. 44 Cal. 186 P.C. The other case cited by the Learned Trial Judge ---

with the number of alienations made by Hindu widows betwee
the years 1859 and 1868. Of all the alienations in 1904, a fi
the later alienations were no more ancient than those with
which we are concerned. But each of the conveyances contair
recites allegins various to show that there was justifying
necessity. It was said with reference to that that these recitals
were " As time goes by, and all the original parties to the
transactions and all those who could have given evidence on
relevant points have grown old or passed away, a recital
consistent with the probability are circumstances of the case
assumes greater importance and cannot likely be set aside,
for it should be remembered that the actual proof of the
necessity which justifies the deed is not essential to
establish its validity. It is only necessary that - - -
representation should have been made to the purchaser that
such necessity existed, and that he should have acted
honestly and made proper inquiry to satisfy himself of its t
truth. The recital is clear evidence of the representation,
and if the circumstances are such as to justify a reasonable
belief that an enquiry would have confirmed its truth, then
when proof of actual enquiry has become impossible, the
recital, coupled with such circumstances, would be sufficient
evidence to support the deed ". The Judgment goes on to
point out the circumstances appearing in evidence which - - -

which justified an assumption that proper enquiry, if made, would have disclosed that a real necessity existed. But in the case with which we are dealing the lessees contain no recital of facts showing le necessity. Only one of them contains any recital at all of the purposes for which the lease was taken i.e. the lease in suit No.80 and all that that says is that the lease was executed for the purposes (viniyog) of the math. The observations of the Privy Council in the case just referred to therefore have little or no application here and I may say that the case was not relied upon in the argument before us.

On the other hand one other case was mentioned Murgeshan Pillai Vs. Manicka Chetka Pandara (1917) 44 I.A.98. In that case, there was an alienation by way of mortgage in 1883. The debt had been recognised by a number of holders of the - - - headship as binding on the institution. Although their Lordships did rely on the lapse of time ~~assumption~~ ~~subsequent~~ evidence, they only said that under the circumstances the courts might be more easily satisfied as to the existence of necessity and not that the burden of proof was shifted. The examination of the authorities seems to show, therefore, that the present is hardly a case in which the defendants are entitled to any presumptions in their favour. The most that can be said is that if any reasonable case of legal necessity has been put forward the evidence in support of it need not, in view of the lapse of time,

by too strictly scientific

[illegible] to examine [illegible]
[illegible] the [illegible] and the neighbourhood for the purpose of procuring [illegible] has always been well-to-do, owning elephants and other valuable property and [illegible] in excess of expenditure. The greater part of [illegible] this evidence is mere opinion and hearsay, the witnesses having had no actual knowledge of the [illegible] of the [illegible] at the material times. The same thing applies to the defendant's own given evidence. It is [illegible] to be appreciated that the trial Judge would have gone on day after day and month after month patiently [illegible] statements which were obviously hearsay and hardly pretended to be anything else. If irrelevant matter had been excluded, as it should have been, the bulk of the record might have been reduced by half. But though the evidence of plaintiff's witnesses has little value we can see nothing to support the Trial Judge's view that the witnesses had been tutored. They give a picture of general prosperity which is probably true. The possession of elephant is not denied and a [illegible] which had any difficulty in meeting ordinary expenditure would not be likely to keep elephants. It is in evidence that in 1920 there was a balance of over Rs.40,000 in the bank and though there is nothing to show what it was before that it is obvious that this balan

must have [illegible] to consolidate [illegible]

[illegible] the [illegible] of the [illegible]

could not perform, on the [illegible]. It [illegible], [illegible]

that the [illegible] have not obtained [illegible] no [illegible]

attempt to obtain the consolidation of the [illegible],

since it is supposed to [illegible] theory put forward on their behalf,

viz, that [illegible] premium [illegible] income [illegible]

to rebuild all the [illegible], and [illegible] the [illegible]

rents [illegible] to the permanent [illegible] required [illegible].

The [illegible] did not [illegible] the [illegible]

of local necessity. One of the [illegible] provided the salvage

but it [illegible] in this connection is nothing but [illegible].

[illegible] statements [illegible] only [illegible], [illegible] in the case

they elected to put forward, they do not in any [illegible] prove [illegible].

Yacoub appeared and [illegible] in suit No. 10 and [illegible] the case

in that case, was granted as it was necessary to construct two

buildings, one of the being [illegible]. Their counsel

in suit No. 73 of [illegible], says the object of the lease was to increase the

permanent income of the [illegible] which [illegible] required for

repairing and rebuilding the [illegible] of the [illegible]. He [illegible]

not [illegible] about the old-style buildings. Bhanjibhai Kevji and Tulsi

Gokal, one of the suits [illegible] has been settled, [illegible] the advanced

rents was required for making additions and alterations to the [illegible]

buildings and the building of another [illegible], called [illegible].

In Cross examination, he says that he saw these buildings operations going on between 1883 and 1920, and the total costs might be about Rupees 1,200. The Trial Judge made a note below Parvanta's depositions that he was a prevaricating and unsatisfactory witness. In his Judgment, he has not referred to the evidence of any of the defendants, quite rightly as it is not , properly speaking, evidence at all.

The evidence shows that in Gurudiddaswami's time Committee was appointed, to supervise the collection of the funds called the Dharmadav Fund, and to pay the expenses of the math out of it. Plaintiff has produced a file of papers Exhibit No.700 which record the proceedings of this Committee. Page 22, of this file, (~~1193~~ P. 1193) of our record) is an estimate of the repairs to the Oli Math amounting to Rs. 1,300. There are two dates given 16th December 1889, and 24th November 1890. At page 31, of the file, which is the agenda for a meeting of the Committe held on 16th March 1892, one of the items, is "to accept an estimate of Oli Math " (this may have been the estimat at page 22) and " to prepare an estimate for the erection of a main gate and a hall in the Oli Math ". The estimate was sanctioned on that day. On the next page in the file, there is a paper, undated giving the details of small desburcements on the Oli Math amounting to Rs. 2,264. From this total Rs. 913 are deducted as "the amount already sanctioned " and the balance

balance Rs. 1340. or as he calls it "the amount to be sanctioned". The proper interpretation to be given to this document is no resolution about it.

The amount of advance profit which Gurusiddappa received from all the permanent leases granted by him in 1887 and in 1888, seems to have been about Rs. 2500. The learned Trial Judge, in lieu of file of papers, presumed by the plaintiff thought it reasonable to infer that Gurusiddappa must have raised this money in order to meet the deficit due to the excess expenses over the receipts. In our opinion, however, this inference is not justified. The papers in the file may be good enough evidence as to the expenditure but, they do not show that there was any deficit and they do not show that any expenditure was incurred untill some years after the leases were executed. In fact, there is no evidence whatever showing any connection between this expenditure and the leases, and for anything we know to the contrary the full such expenses may have been defrayed by the Committee out of the Dharmadav fund. That in deed, is what the file of the proceedings, rather seem to suppose. It is not an unusual to taken an advance of rent in the case of permanent leases, and the fact that, Gurusiddappa did so is no evidence that he was in need of money. Several of the Plaintiffs' witnesses have deposed that he was in the habit of lending money and though their evidence in unreliable as to the extent of his business there is no reason to disbelieve them altogether. Plaintiff in fact who wanted

to produce a number of mortgages and rents taken by Gurushidda-
i from the debtors, but he made no application either
l e and it was argued, if Gurushidda-swami was a money lender
he was no reason to doubt he would obviously have a use for
cmitra. As regards the suggestion that the leases were
executed in order to secure a permanent income for the math
that is clearly nonsense, and itself is a permanent source of
income, if it is capable of being let, and from that point of
view there cannot have been any slightest necessity to lease it
in perpetuity.

The trial Judge was evidently influenced by the
fact that in his opinion the accounts of the Math have been
suppressed by the Plaintiff. This would no doubt be a serious
matter if true, but there seems to be no adequate reason for
so finding. Plaintiff examined Gangayya who has been clerk
of the Math since 1907. He says that there are no accounts of
Gurushiddaswami's time except some books relating to the
collection of the Dhruvaday fund which were produced. He made
a search and no such books were to be found. The examination
and cross examination of the witness covers 220 paragraphs, but
so far as we can see nothing has been elicited which lends any
support to the theory of suppression. Plaintiff has no personal
knowledge about the books, but he also says that all the
existing books of Gurushiddaswami's time have been produced and

and no one kept back. There is no evidence that Gurunathaswami kept any regular accounts. It appears that the Dharmakarta Mandi Committee which looked after the temporal affairs of the Math in his time did keep accounts. What is deposed to by two members of this committee Chenbasappagouda and Shambhappa also have not been examined by the Plaintiff and it is too clear from the file Exhibit No.700. But the fact that accounts were kept cannot by itself justify the inference that they have been superseded. There would be no object in preserving books of that kind permanently. The accounts from 1903 are in existence and the Plaintiff wanted to put them in but on the objection of the defendants permission was refused. In the absence of any definite or concrete evidence to contradict the sworn testimony of the Plaintiff and the Math clerk one to show positively that accounts of Gurushidappa's time have ever been in Plaintiff's possession and control no presumption that he has suppressed the books can reasonably be drawn. Murgesam Pillai Vs. Manikaraseka 44 I.A. 98 which was relied on in this connection by the defendants has no application here because in that case the heads of Math who were parties to the suit were admittedly in possession of the books which they had failed to produce.

Shortly before these leases were executed the Railway was brought to Hubli and most of the lands leased are in the vicinity of the station. All the lessees as the documents show were

for building purposes. It appears that a cotton market was established in the neighbourhood about that time. It must have been obvious therefore to anybody in his sense that though the lands had no great value previously they were likely to become extremely valuable in future. It may have been very good policy to lease the lands, but to lease them in perpetuity for what can only be regarded as very low rents for building sites was on the face of it grossly improvident. As the Privy Council have pointed out in a number of cases it is only necessary to refer to Vidya Varuthi's case, nothing but unavoidable necessity can justify the head of the Math granting perpetual lease of Math property. In the present case there is no evidence and there are no circumstances reasonably suggested by the evidence, which point to the conclusion that there can have been any pressure on the estate or any reasonable prospect of benefit likely to accrue to the estate by which these transactions could be validated. That the lands could not have been let except on terms of permanent tenancy cannot be seriously suggested and has not in fact been suggested by any of the defendants. As I have already explained that the defendants have no presumption of any kind in their favour, we must hold disagreeing with the Trial Judge that there was no legal necessity for these alienations.

[illegible] only [illegible] [illegible] [illegible]

defendant no. 20 in the said suit has sued as the minor
plaintiff, while the plaintiff ought to have sued by next friend in the
property belonging to the said minor. The said defendant
cannot in the result be both the plaintiff and the defendant
in the said suit and the said suit must be dismissed with costs.
In the alternative it is submitted that the plaintiff may be
permitted to withdraw the said suit with liberty to file a fresh suit
to sue for costs both in the lower court and in the appeal.

The plaintiff in suit no. 27 in the said suit is a private co-operative bank duly sued by its secretary. Under section 70 of the co-operative societies act the terms of which are identical, a notice ought to have been sent to the society prior to the institution of the suit. This was not done. Therefore there can be no decree against this defendant either and he is entitled to his costs in both courts.

Even in suit No. 73, first plaintiff, one of the defendants viz. defendants Nos. 3 and 5 to 10 pleaded that they had no subsisting interest and are wrongly made parties. They are descendants of the original lessee but contend that it is finally partition the property passed to another person. The rejoinder was made by the plaintiff and no issue was framed, however in the circumstances no decree can be passed against them, either, nor are they liable for costs.

It is submitted the other defendants too plaintiffs are --

entitled to succeed. But the question then arises on what terms they are entitled to set aside the alienations and what precise relief should be granted to them. On this point on the principle of [illegible]

[illegible] -- [illegible] exhaustively with the topic in [illegible] should rid us of any argument but for the [illegible] two questions of fact-to-be investigated with regard to the property in suit. These questions are (1) whether the plaintiffs have proved that they are entitled to the property claimed by them and (2) whether the presumption in favour of the continual title of the co-parcener.

[illegible] Limitation Act in the law which was enacted upon the enactment of the Limitations Act in 1929 incorporating article 134 . It is not necessary for the present purpose to trace the history of the developments of the law by the decisions of the Judicial Committee of the Privy Council. The two leading cases which were referred to in argument state the principles to alienations of such property. They are Vilya Thirtha Vs. Balusami Ayyar 48 I.A. 302 and Sirimath Daivathikharuni Ponnambala Desikar Vs. Periyana Chetti 62 I.A. 251. The principles which these authorities establish are (1) that a widow or a Shantpathi of such has power to alienate the trust property to the extent permissible to the manager of an infant heir

[illegible] entitled to a lease for [illegible] till 1976 with [illegible] in 1912 by the measures to recover [illegible] only [illegible] [illegible] [illegible] by [illegible] prosecution.

[illegible] [illegible] [illegible] [

for the term of the grant and that time began to run

against the grantee, as it ought, it was necessarily held that

the failure of the mortgagee to sue for foreclosure or

redemption within the period of twelve years from the date

of the mortgage did not extinguish the mortgagor's right

to redeem. Under the Limitation Act, 1908, the period of

limitation in a suit for foreclosure is twelve years from the

time when the mortgagee becomes entitled to foreclose. It is

open to the mortgagor or the mortgagee to continue

the mortgagee in possession within the twelve years and

possession will not be adverse to such person so long as the

mortgagee accepts or admits the mortgagor's title. The position

is not in these words in either that principle was seen

altered by the amending Act of 1929 viz, by the addition of

Article 134A. That Article lays down that the period of

limitation for a suit " by the manager of a Hindu, Mahomedan

or Buddhist religious or charitable endowment to recover

possession of immovable property comprised in the endowment

which has been transferred by the previous manager for a

valuable consideration" is 12 years from the date of the

death, resignation or removal of the transferor. That Article

does not in terms enlarge the powers of mutawalis in India and if

the Legislatures in that respect can be gathered from the

amending Act there can be no question of such enlargement

having regard to the new provision of section 10 of that Act.

it cannot be disputed that the lessee in a certainty
[illegible] in this case in 1883 and they are
prima facie in exclusive possession. This would be removed
or voided only by the expiry of the lease. The situation
is not the same as if there is reversion upon the
death [illegible] to be entitled to the possession
of property not a lessee of the property [illegible] the
settle that [illegible] the lessee's interest is limited the lease must
be registered as determined and that interest, the possession of the
possession of the lessee after such termination would in my
opinion be in no way different from that of the trespassers.
Prima facie therefore limitation will commence to run from the
determination of the lease i.e. upon expiration of Kumbhi Hemmaji's
term of office, in other words, upon his death, unless that
limitation was interrupted in some way. It has not been denied
that if the reverse on reunion had commenced to run it would
extinguish the title of the then adjunct to the property after the
necessary lapse of time and that the succeeding adjunct or trustee
would equally be without title. That is so laid down in
Annambandhu Kandira Hemmabhi Vs. Velu Kombara (1899) 22 I.A.
89 where the contention that there was creation of successive
life estates was rejected relying upon Tagore Vs. Tagore (1872)
9 Beng. L.R. 377. Inasmuch as the principle of that case
is also applicable to a hereditary office and endowment

[illegible]

[illegible]

[illegible]

created by himself that in such a contrary inference can be drawn upon the fact, as was done in Krishnaswami Vs. Periyasami Chetti, the payment of rent would not go any such limitation in such a case. It is essential, even to the learned advocate for the assignment to prove, having regard to the phrase used in Krishnaswami Vs. Periyasami Chetti, that the payment of rent by the succeeding tenant cannot invariably or in every case in all cases. The facts of that case are not specified, but, although it is not clear whether the intervening tenants actually accepted rent during their tenure of assignment, it will be sufficient to say for the present purpose that that case decides only its peculiar facts. It does not in any way derogate from the principles succinctly laid down in Wigg's Counsel's case.

It is next that under Article 134 , which it is said is the only article applicable to this case, the transfer referred to is the transfer by the alienating tenant and that unless that transfer is recorded in some way cancelled the terminus-a-quo would be the date of the death of the alienating tenant, here Gurushiddiramani, and that mere receipt of rent could not be required to have cancelled that transfer or effected a new transfer.

That argument in my opinion entirely ignores the fact that Article 134 does not enlarge the power of the tenant to transfer and also ignores the provision of sections 116 and 111 of the Transfer of Property Act. There is no warrant for the view that the lease contemplated by the